

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**35 CIVIL APPLICATION NO.9497 OF 2017
IN FAST/22003/2017**

**INDIRABAI DAGADU GHOLVE (DIED) THR LRS REKHA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
**Advocate for Applicants : Ingale Vivekanand V.
AGP for Respondents: Y.G.Gujrati**

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**CORAM : MANGESH S. PATIL, J.
DATE : 10.12.2019**

PC. :-

Heard the learned advocate for the appellant and the learned AGP

2] This is an application by the original claimant seeking condonation of delay in filing Appeal against the judgment and award passed by the Reference Court. The delay is of 2558 days.

3] The learned advocate for the applicant submits that the original claimant was an aged lady and could not file appeal in time. Her Legal Representatives are now seeking to prefer appeal and their valuable right to have a fair compensation would be defeated if the Appeal is not allowed to be filed on the technical ground.

4] The learned AGP opposes the Application. He submits that the delay has not been properly explained and even if it is to be condoned, the claimants applicants be held not entitled to claim any interest for the period of delay.

5] The acquiring body has been duly served but is absent.

6] For the reasons mentioned in the application the delay deserves to be condoned. The claimants themselves have filed an undertaking and volunteered that they would not claim any interest for the period of delay of 2558 days. The application is allowed. The delay is condoned subject to the condition that the claimants shall not be entitled to claim any interest for the period of delay (2558 days).

[MANGESH S. PATIL, J.]

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