

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1051 CIVIL APPLICATION NO.11628 OF 2017
IN FAST/26625/2017**

DHONDIRAM PRABHU TAMBE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Shri Dattatray D.Sarawade Patil
AGP for Respondents - State : Shri A.M.Phule

...
**WITH CA/11624/2017 IN FAST/26629/2017
WITH CA/11625/2017 IN FAST/26635/2017
WITH CA/11632/2017 IN FAST/28628/2017**

...
CORAM : P.R.BORA, J.

DATE: 15th February, 2019

PER COURT:-

1 Shri A.M.Phule, learned AGP waives service of notice for respondent No.3 in all these matters. Service complete.

2 Heard Shri Sarawade Patil, learned Counsel for the applicants and Shri Phule, learned AGP appearing for the respondents.

3 Delay of more than 1000 days has occurred in filing these appeals by the original claimants. The learned Counsel for the applicants submits that since the Judgment and award passed by the learned Reference Court was sought to be reviewed by the

applicants, time consumed in seeking review of the said Judgment and award and thereafter by making all arrangements appeals have been filed. The learned Counsel submitted that the delay, which has caused in filing these appeals is unintentional and for banafide reason. In the circumstances, delay caused in filing the present appeals be condoned.

4 The learned AGP appearing for the State has opposed the request so made. In the alternative, it is submitted that if the Court inclines to condone the delay, the applicants shall not be made entitled for the interest of the period of delay in the event of their success in the appeals.

5 In view of the submissions so made, the following order is made.

ORDER

- I) Applications for condonation of delay are allowed.
- II) Delay caused in filing the appeals is condoned.
- III) Civil applications for condonation of delay stand disposed of.
- IV) Appeals be registered in accordance with law.

V) After registration of appeals, issue notice to the respondents. Shri A.M.Phule, learned AGP waives service of notice for the respondents. Service complete.

VI) It is clarified that in the event of their success in the appeals, the appellants shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.

VII) List the appeals for further consideration on 29.03.2019.

(P.R.BORA)
JUDGE

SPT