

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

23 CIVIL APPLICATION NO.11909 OF 2018
IN FAST/25952/2018

RANGNATH TULSIRAM AVCHAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. More Kumar Gaurav M.
Mr. Sonpawale Sunil P., Adv. For R/1;
Mr. AM Phule, AGP for State;

CORAM : P.R. BORA, J.
DATED : 28th January, 2019.

PER COURT:-

1. Heard Shri More, learned counsel for applicant and learned AGP for State.

2. Delay of 1378 days has occurred in filing the appeal by the original claimant. The reasons are assigned in para nos.4, 5 and 6 of the application.

3. Learned counsel for the applicant moreover submitted that the applicant is ready to waive the interest of the period of delay in the event of his success in the appeal.

4. Learned AGP though has opposed for condoning the delay, stating that the reasons, as are assigned are insufficient to condone the delay, has conceded for considering it in view of the undertaking given by the applicant not to claim

(2)

interest for the period of delay. Hence, the following order, -

ORDER

i. The application is allowed. The delay caused in filing the appeal is condoned.

ii. It is clarified that in the event of success in the appeal, the applicant shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.

iii. Appeal be registered in accordance with law. On registration of the appeal, issue notice to the respondents. Learned AGP and learned counsel waive service for the respective respondents. Service complete.

iv. List the matter for further consideration after six weeks. Call R and P.

v. A copy of the present order be placed in the papers of the appeal.

(P.R. BORA)
JUDGE

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