

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14889 OF 2017 IN
FIRST APPEAL ST. NO. 29541 OF 2013

Vishwambar s/o Narshing Shahabade
& others

Applicants

Versus

The State of Maharashtra
& others

Respondents

Mr. M.S. Patil, advocate for applicants.
Mr. P.M. Kulkarni, A.G.P. for respondents no. 1 to 3.

CORAM : P.R. BORA, J.
DATE : 11th FEBRUARY, 2019

PER COURT:

1. Present application is filed seeking restoration of the appeal. First appeal on stamp number has been dismissed since the appellants/applicants did not remove office objections. Delay of 1207 days has occurred in filing the present application for restoration. Learned counsel for the applicants submits that the office objections will be removed within two weeks.
2. In view of the undertaking so given, though I am inclined to restore the appeal on stamp number, as has been submitted by the learned AGP, the applicants need to be disentitled from claiming interest in the event of success in the appeal for the period of delay which is more than three years. Hence the following order :

ORDER

- i) Delay occurred in filing the application stands condoned.
- ii) Order passed by the Registrar on 21.01.2014 is set aside.
- iii) Appeal on stamp number is restored to its original file.
- iv) Applicants to remove office objections within two weeks.
- v) It is clarified that in the event of their success in the appeal, the appellants/applicants shall not be entitled for the interest on the enhanced amount of compensation for the period of delay.
- vi) Civil application stands disposed of.

(P. R. BORA, J)

dyb