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

**919 CIVIL APPLICATION NO.13391 OF 2018
IN FAST/28741/2018**

PANDURANG MOTIRAM RATHOD AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
PARBHANI AND ORS

...

Advocate for Applicants : Mr. Rathod Sandip P. &
Mr. A.J. Nagode

AGP for Respondents : Mr. P.M. Kulkarni

...

CORAM : P.R. BORA, J.

DATED : 16th JANUARY, 2019.

PER COURT:-

. Heard Shri Rathod, the learned counsel appearing for the applicants and Shri Kulkarni, the learned AGP appearing for the respondent-State.

2. Delay of 651 days has occurred in filing the present appeal by the appellants, who are the original claimants. The reasons for occurrence of delay are explained in Para-3 and 4 of the application. The reasons as are stated in the said application cannot be outrightly rejected. Moreover, the applicants have undertaken not to claim interest for the period of delay in the event of their success in appeal on the enhanced amount of compensation.

(2)

3. In the above circumstances, though the learned AGP has strongly opposed for condoning the delay, I am inclined to allow the application. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- iii) It is clarified that the appellants shall not be entitled for the interest of the delay period in the event of their success in the appeal on the enhanced amount of compensation.
- iv) The copy of the order passed in the present application be kept along with the papers of appeal.
- v) The civil application stands disposed of.
- vi) On registration of the appeal, issue notice to the respondents. The learned AGP waives notice for respondents. Service complete.
- vii) List the appeal for further consideration on 13.03.2019. Call record and proceedings.

(P.R. BORA, J.)