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

**927 CIVIL APPLICATION NO.14399 OF 2017
IN FAST/32591/201 7**

VISHWAMBHAR LAXMANRAO PATIL @ JOGDAND
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr. Jogdand Patil Vijay
B.

AGP for Respondents : Mr P.M. Kulkarni

...

CORAM : P.R. BORA, J.

DATED : 22nd JANUARY, 2019.

PER COURT:-

. Heard Shri Jogdand Patil, the learned counsel appearing for the applicant and the learned AGP Shri Kulkarni appearing for respondent-State.

2. The delay of 2333 days has occurred in filing the present appeal by the original claimant. It is contended that the counsel who was appearing for the respondent joined judiciary and thereafter the matter was not attended to. It is further contended that the learned counsel who thereafter appeared for the applicant was appointed as the Assistant Government Pleader and hence the matter could not be proceeded further.

3. Considering the reasons as aforesaid,

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there appears substance in the prayer so made by the learned counsel to condone the delay. However, it cannot be lost sight of that the appellant failed in showing due diligence in making alternate arrangement. In the circumstances, he cannot be given premium of interest for the period of delay.

4. The learned AGP in his submission has opposed the application in the alternative and submitted for passing appropriate orders by disentitling the applicant from claiming interest for the period of delay. In view of the above, the following order is passed:

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 applicant shall not be entitled to claim interest for the period of delay in the event the amount of compensation is enhanced.
- iv) The civil application stands disposed of.
- v) After registration of the appeal, issue notice to the respondents. The learned AGP Shri Kulkarni

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waives notice for respondent nos. 1 & 2.

vi) List the appeal for further consideration
after six weeks.

(P.R. BORA, J.)

Mujaheed//