

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

50 CIVIL APPLICATION NO.184 OF 2016
IN FAST/35769/2015

MADHUBALA RAOSAHEB PATIL
VERSUS
THE STATE OF MAHARAHSTRA AND ANOTHER

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Advocate for Applicants : Mr. Gajanan Sontakke
AGP for Respondent No.1 : Mr. A.M. Phule
Advocate for Respondent No.2 : Ms. Sanghmitra Wadmare

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CORAM : P.R. BORA, J.

DATED : 04th FEBRUARY, 2019

PER COURT:-

1. Heard Shri Sontakke, the learned counsel appearing for the applicant as well as Shri Phule, the learned counsel for respondent no.1-State and Smt. Sanghmitra Wadmare, learned counsel appearing for respondent no.2.
2. The delay of 639 days has occurred in filing the present appeal. Shri Sontakke, the learned counsel for the applicant submitted that the Reference Court has wrongly rejected the evidence adduced by the claimant before it whereas, the same evidence was accepted by the same Reference Court in other matter. The learned counsel submitted that the claimant was not aware about the order passed by the Reference Court, and was also facing the financial crisis and for said reasons the applicant could not file the appeal within stipulated period. The learned counsel further submitted that the applicant is ready to waive the interest for the period of delay in the event of her success in the appeal.
3. Learned counsel Smt. Sanghmitra Wadmare and learned AGP Mr. Phule though have opposed for condoning the delay, in view of

the submissions made by the learned counsel for the applicant, I am inclined to allow the present application. Hence, the following order is passed:-

ORDER

- [i] The application for condonation of delay is allowed.
- [ii] Delay caused in filing the present appeal is condoned.
- [iii] Civil Application for condonation of delay stands disposed of.
- [iv] The appeal be registered in accordance with law.
- [v] After registration of appeal, issue notice to respondents, returnable after four weeks. Shri Phule, the learned AGP waives service of notice for respondent no.1 and Smt. Sanghmitra Wadmare waives service of notice for respondent no.2. Service complete.
- [vi] It is clarified that in the event of her success in the appeal, the appellant shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.
- [vii] Copy of the present order be placed alongwith the papers of appeal.
- [viii] List the appeal for final disposal at the stage of admission after four weeks.

**(P.R. BORA)
JUDGE**

Sudhir Rane