

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

**946 CIVIL APPLICATION NO.2135 OF 2019  
IN FAST/35579/2018**

SUBHADRA VITHAL KALE AND ANR .. Applicants  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS ..Respondents

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Advocate for Applicants : Shri Mahesh P. Kale  
AGP for Respondents : Shri S.J. Salgare  
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CORAM : P.R. BORA, J.  
Dated: February 14, 2019

PER COURT :-

1. Issue notice to the respondents. Learned AGP Shri Salgare waives notice for all the respondents.
  
2. Heard the learned Counsel appearing for the respective parties. Delay of 756 days has occurred in filing the appeal. The applicants are ready to waive the interest of the period of delay. In view of the submission made, the following order is passed.

**ORDER**

- (i) The application is allowed. The delay of 756 days caused in filing the appeal is condoned. Appeal be registered in accordance with law.
  
- (ii) After registration of the appeal, issue notice to the respondents. Learned AGP Shri Salgare waives notice for all the

respondents. Service complete.

(iii) It is clarified that, in the event of their success in appeal, the applicants shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.

(iv) The copy of the present order be kept along with the papers of appeal.

3. List the appeal for further consideration after six weeks.

4. Call for Record & Proceedings.

( PR. BORA, J. )

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