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

**935 CIVIL APPLICATION NO.460 OF 2019
IN FAST/35772/2018**

SUDAM MUNJAJI CHAVAN AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Kale Mahesh P.
AGP for Respondents : Mr. A.M. Phule

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**CORAM : P.R. BORA, J.
DATED : 09th JANUARY, 2019.**

PER COURT:-

. The delay of 1097 days has occurred in filing the appeal by the applicants i.e. original claimants. In justification of the delay caused, though the opportunity needs to be given to the applicants to prosecute their appeal on merits, the applicants cannot be given the benefit of interest for the period of delay. As such, the following order is passed:

ORDER

- i) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- ii) Civil application stands disposed of.
- iii) It is clarified that in the event of their success in the appeal, the

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applicants shall not be entitled for the interest under Section 28 and 34 of the Act on the enhanced amount of compensation for the period of delay.

- iv) The copy of the present order be kept in the papers of appeal.
- v) On registration of the appeal, issue notice to the respondents, returnable 20.02.2019. The learned AGP Shri Phule waives notice for the respondent-State. Service complete.
- vi) List the appeal for further consideration on 20.02.2019.

(P.R. BORA, J.)

Mujaheed//