

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

**1033 CIVIL APPLICATION NO.856 OF 2019
IN FAST/37705/2018**

VIRENDRASING SHARDULSING HZARI (DIED) THR LRS
SHARDULSING AND ANR
VERSUS
THE STATE OF MAHARASHTRA AD ANR

...
WITH

**1037 CIVIL APPLICATION NO.860 OF 2019
IN FAST/38711/2018**

MOHD. AJGAR MOHD. GAUS
VERSUS
THE STATE OF MAHARASHTRA AD ANR

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**1038 CIVIL APPLICATION NO.883 OF 2019
IN FAST/38709/2018**

SOPAN MAHADU MALI
VERSUS
THE STATE OF MAHARASHTRA AD ANR

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**1039 CIVIL APPLICATION NO.884 OF 2019
IN FAST/37712/2018 WITH CA/885/2019 IN FAST/37714/2018**

MIRABAI SHARDULSINGH HAZAR (DIED) THR LRS
SHARDULSING AND ANR
VERSUS
THE STATE OF MAHARASHTRA AD ANR

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Advocate for Applicants : Shri Shrikrashna B. Solanke
AGP for Respondent – State : Shri A.M. Phule, Shri S.J. Salgare,
Shri P.M. Kulkarni
Respondent No.2 – Served.

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CORAM : P.R. BORA, J.
Dated: February 27, 2019

PER COURT :-

1. Though the Acquiring Body is duly served, no one has caused appearance on its behalf.

2. The present applications are filed by the applicants seeking condonation of delay, which has occasioned in filing the appeals by them. Delay caused is of the period ranging between 1101 to 1414 days. The learned Counsel for the applicants contended that, because of the lack of funds and lack of awareness, the appeals could not be filed within the stipulated period of limitation by the applicants – claimants. The learned Counsel further submitted that, the delay caused is unintentional and for *bonafide* reasons. It is further submitted that, the substantial grounds are raised in exception to the impugned judgments and awards and the applicants undertake not to claim the interest of the period of delay in the event their appeals are allowed and the amount of compensation is enhanced, on the said enhanced amount of compensation.

3. Respective learned AGP's have opposed for condoning the delay stating that, the reasons as are assigned are insufficient to

condone the huge delay, which has occurred in filing the appeals. The learned AGPs, in the alternative, submitted that if the Court is inclined to condone the delay, the applicants shall be disentitled from claiming the interest of the period of delay on the enhanced amount of compensation.

4. In view of the submissions made, the following order is passed.

ORDER

(i) The delay caused in filing the appeals is condoned. Appeals be registered in accordance with law. It is clarified that, the applicants /appellants shall not be entitled for the interest of the period of delay in the event of their success in appeals on the enhanced amount of compensation. The copy of the present order be placed along with the papers of appeals. Civil Applications for condonation of delay stand disposed of.

(ii) After registration of the appeals, issue notice to the respondents. Learned AGPs waive notice for the respective respondents - State. Service compete.

5. List these appeals for further consideration after eight weeks.

(PR. BORA, J.)