

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1479 OF 2018  
IN  
FIRST APPEAL ST. NO. 35746 OF 2017**

Shri Santu Jayaram Bhosle .... Applicant

V/s.

The State of Maharashtra Through The  
Collector Kolhapur ... Respondent

.....

Mr. Satyajeet A. Rajeshirke for the Applicant/Appellant.

Mr. A.R. Patil, AGP for Respondent No.1.

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**CORAM : K.K.Tated, J.**

**DATE : 30<sup>th</sup> September, 2019**

**P.C. :**

1. Heard learned counsel for the parties.
2. By this Civil Application, applicant/original claimant is seeking condonation of delay in filing the First Appeal challenging the Judgment and Award dated 15<sup>th</sup> December, 2012 passed by Civil Judge, Senior Division, Karanje in L.A.R. No. 49 of 2000.
3. Advocate for applicant filed affidavit cum undertaking stating that, if they succeed in the present matter, they will not claim any interest for 4 years and 261 days delay. The said undertaking given by the applicant is accepted.
4. The learned counsel Mr. Satyajeet A. Rajeshirke for the applicant submits that, applicant had no knowledge about the Judgment and Award passed by the Reference Court. As soon as they

learnt the Judgment and Award passed by the Reference Court, they immediately filed present First Appeal. He submits that, applicant has good chance of success in the present matter. He submits that, in the interest of Justice this Hon'ble Court be pleased to condone the delay and matter to be heard on its own merit.

5. The learned AGP Mr. A.R. Patil, appearing on behalf of the respondent vehemently opposed the present Civil Application.

6. Considering the submissions made by the learned counsel for the applicant and averment made in the Civil Application, the additional affidavit dated 4<sup>th</sup> July, 2019 in which applicant has given undertaking in Para 2 that, in case they succeed in the present proceeding, then they will not claim the interest on additional compensation for the delayed period of 4 years and 261 days, I satisfied that, the applicant has made out a case for allowing this Civil Application. Hence, following order is passed :

**: ORDER :**

- a) Delay in filing the First Appeal is condoned.
- b) Civil Application stands disposed of accordingly.
- c) No order as to costs.

**(K.K.Tated, J.)**