

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.F. NO. 3601/2018 IN F.A.ST.NO. 1128/2018.

Satawarao Nagorao Kawade [dead] through L.Rs.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.U. Nemade, Advocate for the Applicants.
Shri K.L. Dharmadhikari, A.G.P. for Non-applicant Nos. 1 to
3.
Shri R.C. Raibhandare, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI, J.

DATE : 25.11.2019.

Heard.

2. This is an application seeking leave to file appeal against the common judgment and award passed in L.A.C.No. 510/2002, along with several other matters. The original claimant expired and therefore, his legal heirs have sought permission to file appeal.

3. It is to be seen that only after death of owner, interest is devolved upon the applicants, therefore, leave as sought is granted. Civil Application

is accordingly allowed and disposed of. No costs.

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Civil Application No. 1131/2018.

Heard.

2. This is an application seeking condonation of delay of 3700 days in filing appeal, challenging the impugned judgment and award. It is canvassed that after passing of the award, the original claimant expired and therefore, the delay has occasioned. Secondly it is stated that the compensation is not deposited within time and due to financial problems the legal heirs were unable to approach this Court within the period of limitation.

3. The applicants have relied upon the orders passed by this Court in C.A.F No. 3587/2018 in F.A.St.No.488/2018 and C.A.F. No.3771/2018 in C.A.F.No. 3771/2018 in C.A.F. St.No. 4295/2018 in F.A.St.No.4292/2018 on 16.08.2019, by which delay of around 3700 days came to be condoned in related proceedings.

4. In view of above and having regard to the orders passed earlier, the delay caused in filing appeal is condoned. Civil Application is accordingly allowed

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and disposed of. No costs.

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First Appeal No. _____/2019.

Heard.

2. Admit. Learned counsel appearing for respondents, waives notice.

3. To be heard along with F.A.St.Nos. 488/2018 and 4292/2018.

JUDGE

Rgd.