

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 1071/2013 (D)

(THE STATE OF MAHARASHTRA & OTHERS **VERSUS** VIJABAI DIGAMBAR NILAWAR (DEAD) THR.
 LR's ANAND DIGAMBAR NILAWAR & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms A.R. Kulkarni, A.G.P. for appellant.
 Shri M.M. Agnihotri, counsel for applicant/R-1 to 5.

CORAM : A.S. CHANDURKAR, J.

DATE : JUNE 20, 2019.

C.A.O. NO. 1126/2019.

Prayer is to condone delay in filing the cross-objections. The cause of delay in filing the said cross-objections has been stated in paragraphs 2 to 6 of the present application. The applicants have relied on the decision in *Dhiraj Singh (Dead) thr. LR's & Others Versus State of Haryana & Others [(2014) 14 SCC 127]*. The applicants have expressed willingness to forgo the amount of interest on the amount of compensation if enhanced.

The prayer is opposed by the learned Assistant Government Pleader for the appellants.

Considering the fact that the prayer for enhancement in compensation is being considered in similar cross-objections filed by other claimants and by accepting the reasons for the delay, the same stands condoned. The claimants however would not be entitled to interest on the amount of compensation for the period from 29.04.2009 to 13.02.2019. The delay is condoned in aforesaid terms. Civil application is allowed and disposed of.

X-OBJECTION ST. NO. 3574/2019.

Heard. ADMIT.

Learned Assistant Government Pleader Ms A.R. Kulkarni waives notice of hearing on behalf of appellant.

In view of orders passed on C.A.O. No.1126 of 2019, the claimants would not be entitled to interest on the amount of compensation if enhanced from 29.04.2009 till 13.02.2019.

JUDGE

APTE