

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

C.A.F. NO. 1938/2018 IN FIRST APPEAL STAMP NO. 26054/2017
 (RADHABAI KRUSHNARAO GULHANE (DEAD) THR. LR's AMOL KRUSHNARAO GULHANE & OTHERS
VERSUS UNION OF INDIA & OTHERS)

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

Court's or Judge's orders

 Shri C.R. Najbile, counsel for applicants.
 Shri N.P. Lambat, counsel for NA-1.
 Mrs. H.N. Prabhu, A.G.P. for NA-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 27, 2019.

The applicants pray that the delay in filing the appeal be condoned. In the application, it is stated that though the Reference Court decided the proceedings on 25.10.2013, the applicants received the amount of enhanced compensation on 19.07.2017 and thereafter the present appeal came to be filed. A statement is also made as regards readiness of the applicants to waive interest on the amount of compensation, if enhanced.

The prayer is opposed by the learned counsel for the non-applicants on the ground that the reasons mentioned are not sufficient. It is stated that in absence of any sufficient cause, the delay does not deserve to be condoned.

Considering the fact that the enhanced compensation was received in July-2017 after which the appeal came to be filed, the cause of delay appears acceptable. At the same time, by balancing the equities the applicants can be denied interest for the period of delay. Accordingly, the delay in filing the appeal is condoned subject to the applicants not being entitled to interest on the amount of compensation if enhanced for the period from 25.10.2013 to 27.11.2017.

Civil application is disposed of on aforesaid terms.

F.A. ST. NO. 26054/2017.

Heard. **ADMIT.** Call for Record & Proceedings.

Learned counsel Shri N.P.Lambat waives notice of hearing on behalf of respondent no.1.

Learned Assistant Government Pleader Mrs. H.N.Prabhu waives notice of hearing on behalf of respondent nos.2 and 3.

In view of orders passed on C.A.F. No. 1938 of 2018, the claimants will not be entitled to interest on the amount of compensation if enhanced for the period from 25.10.2013 to 27.11.2017.

JUDGE

APTE