

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.1078 OF 2014
IN FAST/20608/2012

KAMALBAI EKNATH @ RANGNATH MANWATKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Mr.A.B. Kale, Advocate for the applicant.
Mr.A.A. Jagatkar, AGP for the respondent-
State.

...

CORAM : V.L.ACHLIYA,J.
DATE : 21.01.2021

ORAL ORDER :

The applicant-appellant moved this application seeking condonation of 1122 days delay in filing the appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant-appellant and learned A.G.P. appearing for the respondent nos.1 and 2. Respondent No.3 though served and recorded appearance through Advocate Shri.S.P. Sonpawale, absent.

3. In brief, it is the contention of learned counsel for the applicant-appellant that the delay caused in filing appeal was not deliberate and intentional. The delay

caused in filing appeal primarily caused due to poor financial condition of the applicant.

4. On the other hand, learned A.G.P. appearing for the respondent nos.1 and 2 submits that the reason assigned is not sufficient to condone the delay.

5. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning the cause for condonation of delay, I am of the view, the delay deserves to be condoned. No serious prejudice would cause to other side if the delay is condoned by conditional order passed in the matter to the effect that the applicant shall not be entitled for interest over the enhanced amount of compensation from the date of application till passing of order. Accordingly, the application is allowed in terms of prayer clause "B" subject to filing of undertaking by the applicant within four weeks to the effect that she will not claim interest over the amount of compensation from the date of filing of application seeking condonation of delay till disposal of the present application.

6. The application is disposed of in above terms.

7. On filing of undertaking the appeal be registered.

[V.L.ACHLIYA]
JUDGE

SGA