

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

956 CIVIL APPLICATION NO.13131 OF 2017
IN FIRST APPEAL [STAMP] NO.24159 OF 2017

FULCHAND BABURAO MULE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Ms. L.R.Thakur, Advocate holding for Mr.L.C.Patil, Advocate
for the applicant.

Mr.S.P.Deshmukh, AGP for the respondent-State.

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**CORAM : V. K. JADHAV, J.
DATED : 01.09.2021**

PER COURT :

1] Heard learned counsel for the applicant and
learned AGP for the respondent-State.

2] The applicant is the original claimant in LAR
No.598/2009. Being aggrieved by the judgment and award
passed by the Reference Court on 14.07.2010, the applicant –
original claimant has preferred this Appeal, which is delayed
by 2471 days.

3] Learned counsel for the applicant submits that the
applicant is agriculturist by occupation and due to financial
constraint, the applicant could not file appeal within a period of

limitation. Learned counsel for the applicant submits that being aggrieved by the Judgment and Award passed by the Reference Court in LAR No.598/2009, the State has preferred First Appeal Stamp No. 8279 of 2011 before this Court. Learned counsel for the applicant, on instructions, submits that the applicant is ready to forgo the interest for the period of delay i.e. 2471 days.

4] Learned AGP for the respondent – State has strongly resisted the application on the ground that delay has not been satisfactorily explained.

5] The applicant is the original claimant and due to financial constraint, he could not file appeal within a period of limitation. However, there is an inordinate delay. Learned counsel for the applicant, on instructions, submits that the applicant is ready to forgo the interest for the period of delay i.e. 2471 days. It is also pointed out that being aggrieved by the same award, the State has preferred Appeal before this Court.

6] In view of above and for the reasons stated in the application, the application is allowed in terms of prayer clause-B subject to the condition that the applicant shall not be entitled to claim the interest for the period of delay i.e. 2471 days in case the Appeal preferred by the applicant is allowed for enhancement of compensation.

7] Civil Application is disposed of accordingly.

[V. K. JADHAV, J.]

DDC