

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

934 CIVIL APPLICATION NO.1670 OF 2017
IN FIRST APPEAL [STAMP] NO.29299 OF 2016

SHRIRANG MADHAV ZUNGURE DIED THROUGH L.Rs.
ARJUN & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Mr.D.R.Jayabhar, Advocate for the applicants
Mr.R.V.Dasalkar, AGP for the respondent–State
Mr.Sham B. Patil, Advocate for respondent no.3

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

PER COURT :

- 1] Heard both sides.
- 2] The applicants are the original claimants in LAR No. 459 of 1994. Being aggrieved by the Judgment and Award passed by the Reference Court on 11.07.2013, the applicants – original claimants have preferred this Appeal, which is delayed by 1061 days.
- 3] Learned counsel for the applicants submits that the applicants are the agriculturists by occupation and due to financial constraint, appeal could not be filed within a period of limitation. Learned counsel submits that the applicants are also ready to forgo the interest of the delay period i.e. 1061 days.

4] Learned AGP for respondent – State and learned counsel for respondent no.3 – acquiring body submit that delay has not been satisfactorily explained and thus the applications seeking condonation of delay may kindly be rejected.

5] It appears that the applicants are agriculturists by occupation and due to financial constraint, they could not prefer Appeal within a period of limitation. Furthermore, the applicants – original claimants are also ready to forgo the interest for the period of delay i.e. 1061 days.

6] In view of above and for the reasons stated in the application, application is allowed in terms of prayer clause-B subject to the condition that the applicants shall not be entitled to claim the interest for the period of delay i.e. 1061 days in case the Appeal preferred by the applicants is allowed for enhancement of compensation.

7] Civil Application is disposed of accordingly.

[V. K. JADHAV, J.]

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