

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

934. CIVIL APPLICATION NO.1671 OF 2017
IN FIRST APPEAL [STAMP] NO.29332 OF 2016

BANSI PANDURANG ZUNGURE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

AND

CIVIL APPLICATION NO.1672 OF 2017
IN FIRST APPEAL [STAMP] NO.29334 OF 2016

MACHINDRA PANDURANG ZUNGURE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Mr.D.R.Jayabhar, Advocate for the applicants in both
Applications.

Mr.R.V.Dasalkar, AGP for the respondent – State in both
Applications.

Mr.Sham B. Patil, Advocate for respondent no.3 in both
Applications.

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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 Nos.447/1994 and 455/1994. Being aggrieved by the Judgment and Award passed by the Reference Court on 11.07.2013, the applicants –original claimants have preferred these Appeals, which is delayed by 1064 days.

3] Learned counsel for the applicants submits that the applicants are the agriculturists by occupation and due to financial constraint, appeals 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. 1064 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 Appeals within a period of limitation. Furthermore, the applicants – original claimants are also ready to forgo the interest for the period of delay i.e. 1064 days.

6] In view of above and for the reasons stated in the applications, applications are 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. 1064 days in case the Appeals preferred by the applicants are allowed for enhancement of compensation.

7] Civil Applications are disposed of accordingly.

[V. K. JADHAV, J.]

DDC