

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

**CIVIL APPLICATION NO. 3902 OF 2020
IN
FIRST APPEAL NO. 8246 OF 2019**

MAHADU IRBA GADERAO (DIED)
THROUGH LEGAL HEIRS SHESHRAO
AND ANOTHER ..APPLICANTS
VERSUS
THE STATE OF MAHARASHTRA
AND OTHERS .. RESPONDENTS

...

Advocate for the Applicants : Mr. U. B. Bilolikar
A.G.P for Respondents/State : Mr. S. N. Morampalle

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**CORAM : VINAY JOSHI, J.
DATE : 14.02.2022.**

PER COURT :-

This is an application seeking condonation of delay of 1223 days caused in filing the First Appeal.

2. Other side objected to condone the delay.

3. The applicant's learned counsel has pointed out that in another connected matter having similar facts, this Court has condoned the delay in C.A. No. 10326 of 2021 vide order dated

24.01.2022 and in Civil Application No. 3999 of 2020 vide order dated 03.02.2022.

4. The applicant is the original claimant who is seeking enhancement of compensation by way of appeal. The applicant has set out a cause for delay in paragraph Nos. 3 and 4 of this application. Precisely, it is contended that due to illiteracy and communication gap, he was not in a position to file appeal at the earliest. The other side has not pointed out any material to disbelieve the applicant's contention.

5. Having regard to the reasons stated in the application, the delay stands condoned however, the applicant is not entitled for interest or any other statutory benefits for delayed period.

6. The application stands disposed of.

7. Office to verify and register the appeal.

**(VINAY JOSHI)
JUDGE**

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