

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

7 CIVIL APPLICATION NO.14654 OF 2019
IN FAST/11944/2019 WITH CA/14650/2019 IN FAST/10627/2019 WITH
CA/14651/2019 IN FAST/10635/2019 WITH CA/14649/2019 IN
FAST/10631/2019 WITH CA/14653/2019 IN FAST/34682/2019 WITH
CA/14652/2019 IN FAST/13709/2019

CHHABUBAI RAMBHAU SURVE (DIED) THR LRS ASHOK (DIED) THR LRS
AVINASH AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Bide Dnyaneshwar A
AGP for Respondents/State : Mr. S.P. Tiwari
Advocate for Respondents : Mr. L.S. Shaikh h/f. Bhalerao Sudhir G. For R/2
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CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

Heard learned counsel for the applicants, learned A.G.P. and learned counsel for the acquiring body.

2. The applicants are the original claimants seeking condonation of delay ranging between 1611 to 2449 days in filing appeals against the judgment and award passed by the Reference Court in the L.A.R. Nos.156/2011, 176/2011, 182/2011, 165/2011, 181/2011, 180/2011. They have also filed an undertaking to the effect that they are ready to forego the claim of statutory interest for the period of delay as a condition for its

condonation.

3. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeal. Accordingly, for the reasons assigned in the applications for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

- i) The delay is condoned subject to the undertaking filed by the applicants that they will forego statutory interest payable to them, if appeal is allowed. The undertakings filed by the applicants in Civil Applications be kept in respective First Appeals.
- ii) Civil Applications are disposed of accordingly.
- iii) Respective First Appeal Stamp Numbers be registered. Issue notice to the respondents, returnable after four weeks. Learned AGP waives service for respondent no.1. Learned counsel Shri L.S. Shaikh waives service for respondent no.2.
- iv) Call R & P

[ANIL L. PANSARE, J.]