

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

**939 CIVIL APPLICATION NO.4748 OF 2022
IN FAST/29933/2021 WITH CA/4747/2022 IN FAST/29950/2021 WITH CA/
4750/2022 IN FAST/29958/2021 WITH CA/4743/2022 IN FAST/29952/2021
WITH CA/4744/2022 IN FAST/29960/2021 WITH CA/4745/2022 IN
FAST/29954/2021 WITH CA/4746/2022 IN FAST/29956/2021**

**BASWARAJ DHONDIRAM GANGAPURE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS**

Mr.PC. Mayure, Advocate for the applicants.
Mr.S.R. Yadav-Lonikar, AGP for the respondents.

**CORAM : ANIL L. PANSARE, J.
DATED : 06.07.2022**

PC :-

01. The learned AGP waives notice for respondent No.3. Service is complete.

02. These are the applications for condonation of delay of 2793 days in preferring appeals against the common judgment and award passed by the Reference Court dated 06.12.2013 in LAR No.79 of 2012 and connected matters.

03. The respondents have opposed the applications. The learned AGP submits that if at all the applications are to be allowed, the interest payable on the compensation amount as awarded by the Reference Court may not be levied from the date of filing of these applications till today because the

applicants have not really pursued these applications for almost eight years. The applicants have shown willingness to forgo the interest till the date of filing the applications.

04. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeals. Accordingly, considering the reasons assigned in the applications for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned. Once the case for condonation of delay is made out, the contentions of the learned AGP that interest till today be waived, would not survive, as both the parties are to be blamed for not circulating applications in earlier point of time.

05. Hence, the following order :-

(i) The applications stand allowed in terms of prayer clause (B) with a rider that the applicants shall not be entitled for the claim of the interest on the compensation amount as awarded by the Reference Court for the delayed period.

(ii) The delay in preferring the appeals stands condoned.

(iii) Issue notice to the respondents, returnable on 03.08.2022. The learned AGP waives service of notice for the respondents/State.

[ANIL L. PANSARE,J.]