

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

**912 CIVIL APPLICATION NO.13159 OF 2021
IN FAST/32218/2021 WITH CA/13160/2021 IN FAST/32221/2021 WITH
CA/13162/2021 IN FAST/32215/2021 WITH CA/13161/2021 IN
FAST/32224/2021**

**NAGNATH GANGARAM PASHIME
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, LATUR ANDANR**

Mr.H.B. Nandagavale, Advocate for the applicants.
Mr.S.R. Yadav-Lonikar, AGP for the respondent/State.

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

PC :-

01. These are applications for condonation of delay of 2140 days in preferring the appeals against the common judgment and award passed by the Reference Court in LAR No.1703 of 2010 and connected matters, on 23.10.2015. The applications have been filed in the year 2021.

02. 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 six years. The applicants have shown willingness to forego the interest till the date of filing applications.

03. 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.

04. 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 stand condoned.
- iii. Issue notice to the respondents, returnable on 03.08.2022. The learned AGP waives service of notice for respondent/State.

[ANIL L. PANSARE,J.]