

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

3 CIVIL APPLICATION NO.2954 OF 2014
IN FAST/34642/2013 WITH CA/2953/2014 IN FAST/34655/2013

BHOJIRAM PENTAJI KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. S.N. Rodge h/f. Sandanshiv M.B.
AGP for Respondents/State : Mr. S.P. Tiwari
Advocate for Respondents : Mr. Ruturaj Patil
...

CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

These are the applications for condonation of delay of 157 days in preferring the appeals against the common judgment and award passed by the Reference Court in LAR Nos.28/2012 and 25/2012 decided on 15.04.2013. The applications have been filed in the year 2014.

2. The respondents have opposed the applications. Learned counsel for respondent no.2 submits that if at all 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 forego the interest till

the date of filing applications.

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 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 in LAR Nos.28/2012 and 25/2012 decided on 15.04.2013 for the delayed period.
- ii) The delay in preferring the appeals stand condoned.
- iii) Issue notice to the respondents, returnable after four weeks. Learned AGP waives service for respondent nos.1 & 2. Learned counsel Shri Ruturaj Patil waives service for respondent no.3.
- iv) Call R & P Appeals be registered.

[ANIL L. PANSARE, J.]