

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

**CIVIL APPLICATION NO. 4131 OF 2022
IN FAST/34778/2021**

Khajasab Mahboobsab

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. N. Patil, Advocate for the Applicant.

Mr. S. R. Yadav-Lonikar, AGP for the Respondents-State.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

. The applicant seeks to condone the delay of 5280 days caused in filing first appeal.

2. Learned advocate submits that in identical matters in which the notification and award is same, this Court has condoned the delay. He further submits that even the first appeal has been allowed thereby enhancing the amount of compensation. Learned advocate further submits that the applicant is ready to forgo statutory interest payable for the delayed period.

3. Learned AGP for the respondent Nos. 1 and 2 opposes the application. None present for respondent No. 3 - acquiring body

though served.

4. Learned AGP has opposed the application. He could not show malafide at the hands of applicant in filing the appeal belatedly. However, in identical matter where the notification and the award is same, this Court has condoned the delay and further that appeal came to be allowed.

5. This is, therefore, a fit case where delay should be condoned subject to applicant filing undertaking to forgo statutory interest payable for delayed period. The application is allowed accordingly. The delay stands condoned. Appeal be registered.

6. Civil application is disposed of.

(ANIL L. PANSARE)
JUDGE

PS.B.