

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

**CIVIL APPLICATION NO. 4135 OF 2022
IN FAST/34785/2021**

Rajabai Bhimrao Jadhav Died Through LR's
Maroti Bhimrao Jadhav died through LR's
Ginyanbai Maroti @ Marotrao Jadhav
and others

.. Applicants

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. N. Patil, Advocate for the Applicants.
Mr. S. P. Tiwari, AGP for the Respondents-State.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

. The applicants seek to condone the delay of 5013 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 applicants are 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 applicants 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.