

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

**906 CIVIL APPLICATION NO.6293 OF 2018
IN
FIRST APPEAL (ST) NO. 35984 OF 2017**

Bhagwat Rama Modale and others	Applicants
Versus	
The State of Maharashtra and others	Respondents

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Mr. S.S. Chillarge, Advocate for the applicants.
Mr. A.A. Jagatkar, A.G.P. for respondent Nos. 1 and 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 27.07.2022.

ORDER:-

1. The learned Counsel for the applicants seeks leave to delete the name of respondent Nos. 4 and 5, who are yet to be served. The learned Counsel for the applicants submits that respondent Nos.4 and 5 are not the contesting parties and they are in fact the original claimants, who do not want to challenge the impugned award.
2. As such, leave granted to delete the names of respondent Nos. 4 and 5 at the risk of the applicants.
3. This is an application for condonation of delay of 1496 days in filing this appeal. The applicants have attributed the delay to their poor financial condition. Moreover the

learned Counsel for the applicants submits that though the impugned award is dated 16.04.2013, but the Acquiring Body deposited the amount in the month of April 2017. Admittedly, there appears substantial delay in filing this first appeal. However, considering the statutory right of the applicant, it can be condoned in the interest of justice. Accordingly, Civil Application No. 6293 of 2018 is hereby allowed and the delay of 1496 days in filing the first appeal against the judgment and award dated 16.04.2013 passed by the learned Civil Judge (Senior Division), Udgir in LAR No. 1918 of 2010 (old LAR No.739 of 2008) subject to condition that the applicants shall not claim any statutory interest in respect of the aforesaid delay period of 1577 days. No costs.

4. The Civil Application is accordingly disposed of.

5. The First Appeal be placed for admission after removal of office objections, if any.

(SANDIPKUMAR C. MORE, J.)