

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

929 CIVIL APPLICATION NO.3463 OF 2018
IN FAST/37443/2017

MANORAMABAI MAHAVIR PRASAD KALA AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Kakade Deepak M.
AGP for Respondents/State : Mr. S.P. Tiwari
Advocate for R/3 : Mr. S.C. Arora
...

CORAM : ANIL L. PANSARE, J.
DATE : 8th July, 2022

PC.:-

Heard learned counsel for the applicants, learned A.G.P. for the respondent no.1 and learned counsel for the acquiring body.

2. The applicants are the original claimants seeking condonation of delay of 2750 days in filing appeal against the judgment and award passed by the Reference Court in the L.A.R. No.380/2002. Learned counsel for the applicants, on instructions, submit that the applicants are ready to forego the interest for the delayed period.

3. The learned AGP and learned counsel for respondent no.3 opposed the application and submit that there is inordinate delay and the same has not been properly explained.

4. 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 application stands allowed in terms of prayer clause(A), with a rider that the applicants shall not be entitled for the claim of interest on the compensation amount as awarded by the Reference Court in L.A.R. No.380/2002 for the delayed period.
- ii) Civil Application is disposed of accordingly.
- iii) First Appeal Stamp Number be registered. Issue notice to the respondents, returnable on 05.08.2022. Learned AGP waives service for respondent nos. 1 and 2, learned counsel Mr. Arora waives service for respondent no.3.
- iv) Call R & P.

[ANIL L. PANSARE, J.]