

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.2805 OF 2020
IN FAST/1910/2019

BHAURAO KALYAN SABLE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. Shrikishan S. Shinde
AGP for Respondent Nos. 1 and 2/State : Mr S.B. Yawalkar
Advocate for Respondent No. 3 : Mr R.K. Ingole

CORAM : S.G. CHAPALGAONKAR, J.
DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicant seeks to condone the delay of 749 days caused in filing the appeal against the Judgment and award passed by the Reference Court in LAR No. 876/2014.
3. The learned advocate appearing for the applicant submits that the delay caused in filing the appeal is not intentional. He invites attention of this Court to para Nos. 2 to 6 of the application and points out that there were sufficient reasons for the delay.
4. The learned advocate appearing for respondent No. 3 opposes to condone the delay on the ground that the explanation offered by the applicant is not sufficient to condone the huge delay. In alternative, he submits that if the delay is condoned, the applicant shall not be entitled to claim the interest for the delayed period.

5. Having considered the submissions advanced by the respective parties, the delay deserves to be condoned subject to condition that the applicant shall not be entitled to claim the interest for the delayed period if his prayer for enhancement of compensation is accepted by this Court in appeal.

6. The civil application is accordingly allowed. The delay of 749 days caused in filing the appeal is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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