

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

**CIVIL APPLICATION NO.10916 OF 2021
IN FAST/18440/2020**

**MUKTABAI DADASAHEB GHAYTADAK AND OTHERS
VERSUS
BHAU MARTAND MARKAD AND ANOTHER**

...

Advocate for Applicants : Mr. Dnyaneshwar A. Bide
Advocate for Respondents : Mr. Dhananjay P. Deshpande

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 26th OCTOBER, 2023

PER COURT :

1. This application is filed for condonation of 298 days caused in filing the appeal.
2. Learned advocate for respondent No.2 strongly objected the application. He submits that though application for condonation of delay is filed in September, 2020, steps were not taken for issuance of notice. Therefore, that period along with delay of 298 days shall be considered for excluding interest upon the amount of award.
3. Learned advocate for applicants submits that due to COVID-19 pandemic there were restrictions and therefore it was not possible to proceed further with the matter or take any steps. As soon as restrictions were removed, applicants have proceeded.

4. Considering the facts and circumstances of the present case, as well as reasons stated in the application, in the interest of justice, application is allowed in terms of prayer clause 'B'. Appeal be registered. Applicants shall not be entitled for any interest or monetary component for the delayed period of 298 days, if they succeeds in the appeal.
5. Civil application is accordingly disposed off.

(SANJAY A. DESHMUKH, J.)