

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

**CIVIL APPLICATION NO. 3616 OF 2019
IN
FIRST APPEAL STAMP NO. 19825 OF 2018**

Dnyanoba Nivrutti Karpe
Since deceased through L.Rs.
Annasaheb and others .. Applicants
Versus
The State of Maharashtra and others .. Respondents

**WITH
CIVIL APPLICATION NO. 3615 OF 2019
IN
FIRST APPEAL STAMP NO. 19829 OF 2018**

Bhagoji Pandurang Karpe
Since deceased through L.Rs.
Vishnu and others .. Applicants
Versus
The State of Maharashtra and others .. Respondents

Shri T. G. Gaikwad, Advocate for the Applicants.
Shri A. S. Shinde, A.G.P. for the Respondent No. 1.
The Respondent No. 2 is served.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 07TH JUNE, 2023.**

FINAL ORDER :

. By these civil applications applicants seek to condone delay of 1346 days caused in filing the appeals against judgment and award dated 11.03.2014 passed by the learned Adhoc District Judge – 2, Ambajogai in L. A. R. No. 232 of 2003 and L. A. R. No. 234 of 2003.

2. Learned advocate appearing for the applicants relying upon contents of para Nos. 2 to 4 of the applications submits that sufficient cause is made out to condone the delay.

3. Learned Assistant Government Pleader appearing for the respondent No. 1 vehemently opposes the applications stating that there is no explanation for huge delay. In the alternate he submits that in case delay is condoned, the applicants shall not be entitled to claim the interest for the period of delay.

4. Having considered submissions advanced and pleadings in para Nos. 2 to 4 of the applications delay deserves to be condoned. Hence the civil applications are allowed. The delay of 1346 days caused in filing the first appeals is condoned, subject to condition that the applicants/original claimants shall not be entitled to claim the interest for the period of delay in case their appeals are favourably considered and enhanced compensation is granted. Appeals be registered. The civil applications are disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23