

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

**23 CIVIL APPLICATION NO.17148 OF 2022
IN FAST/27553/2018**

**VENKATI JAYANTRAO BHADADE (DIED) THR LRS MANOHAR
(DIED) THR LRS SATYABHAMA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr. V. V. Ingale, Advocate for the applicants
Mr. S. B. Pulkundwar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2023

P. C.

1. This is an application seeking condonation of delay of 1703 days caused in filing the first appeal by the original claimant for enhancement of the amount of compensation as awarded by the learned Reference Court.

2. Learned advocate for the applicant submits that the delay is not intentional but is for the reasons stated in the application. They were advised to file cross-objection, after the appeals are filed by the acquiring body/State. However, they have not filed appeals. He has stated that there were financial

constraints and for that reasons they could not approach this court in time. He is relying on the common judgment dated 15-01-2020 in CA No. 11071/2019 in First Appeal St. No.27407/2018 passed in similar group of the matters wherein the delay has been condoned.

3. Learned advocate for the respondent vehemently opposes the application.

4. Considering the fact that in the similar group of matters, the delay is already condoned, this court finds that the application needs to be allowed. Hence, the application stands allowed. The delay stands condoned.

5. To balance the equity it would be clear that the applicant shall not be entitled to interest, if the amount of compensation is enhanced for delayed period.

[KISHORE C. SANT, J.]