

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

**CIVIL APPLICATION NO. 2515 OF 2017
IN
FIRST APPEAL STAMP NO. 34288 OF 2016**

Dharma Narayan Patil since
Deceased through L.Rs.
Shashikant and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri I. K. Wagh, Advocate h/f Shri Kumar Gaurav M. More,
Advocate for the Applicants.

Shri A. S. Shinde, A.G.P. for the Respondent No. 1.

Shri A. D. Pawar, Advocate for the Respondent No. 3.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 07TH JUNE, 2023.

FINAL ORDER :

. Present civil application is filed seeking to condone the delay of 2199 days caused in filing the appeal against judgment and order dated 17.06.2010 passed by the 02nd Joint Civil Judge Senior Division, Dhule in L. A. R. No. 123 of 2003.

2. Learned advocate appearing for the applicants relying upon grounds stated in para Nos. 3 to 6 of the application submits that the sufficient cause is made out for condonation of delay.

3. Mr. Pawar, learned advocate appearing for the respondent No. 3 opposes the prayer for condonation of delay. In alternative he submits that in case delay is condoned, the applicants shall not be entitled for the interest for the delayed period in case the enhanced compensation is granted in appeal.

4. Having considered aforesaid submissions advanced and pleadings in the application and more particularly in para Nos. 3 to 6 of the application sufficient cause is made out to condone the delay. Hence the civil application is allowed. The delay of 2199 days caused in filing the appeal is condoned subject to condition that the applicants shall not be entitled to interest for the period of delay i. e. 2199 days in case the appeal is allowed and enhanced compensation is granted to them. Appeal be registered. The civil application is disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23