

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO.2806 OF 2020  
IN FAST/35359/2018

KISAN GOVINDA MARATHE  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

\*\*\*  
Advocate for Applicant : Mr Y.R. Neb h/f Mr Ajeet B. Kale  
AGP for Respondent Nos. 1 and 2 : Mr S.J. Salgare  
Advocate for Respondent No. 3 : Mr B.K. Patil

**CORAM : S.G. CHAPALGAONKAR, J.**

**DATE : 24-02-2023**

**PER COURT :**

1. Heard.
2. The applicant seeks to condone the delay of 685 days caused in filing the appeal against the Judgment and award passed by the Reference Court in LAR No. 545/2003.
3. The learned advocate appearing for the applicant submits that the delay caused in filing appeal is not intentional. He invites attention of this Court to the reasons mentioned in para Nos. 2 to 4 of the application and would submit that the delay has been properly explained.
4. The learned advocate appearing for respondent No. 3 opposes the prayer to condone the delay on the ground that the reasons mentioned in the application cannot be considered as sufficient cause 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 advocates appearing for the 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 in case his prayer for enhancement of compensation is accepted by this Court in appeal.

6. The civil application is accordingly allowed. The delay of 685 days caused in filing the appeal is condoned subject to condition as stated above. The appeal be registered.

**[ S.G. CHAPALGAONKAR, J. ]**

mta