

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.2200 OF 2020
IN FAST/35401/2018

DAMU GOVINDA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Ms Sakshi Kale h/f Mr Ajeet B.Kale
AGP for Respondent No.1/State : Mr S.J. Salgare
Advocate for Respondent No. 2 : 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 684 days caused in filing the appeal against the Judgment and award passed by the Civil Judge, Senior Division, Jalgaon in LAR No.544/2003.
3. The learned advocate appearing for the applicant invites attention of this Court to the reasons stated in para Nos. 2 to 4 of the application and submits that the delay caused in filing the appeal is not intentional and the applicant has not derived any advantage by making the delay in filing the appeal.
4. The learned advocate appearing for the respondents opposes the prayer to condone the delay on the ground that there is no sufficient explanation. In the alternative, he urged that in case 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 learned advocate appearing for the respective parties and the reasons mentioned in para Nos. 2 to 4 of the application, the delay is condoned subject to the 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 684 days caused in filing the appeal is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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