

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO.6149 OF 2019
IN FAST/36413/2018

RAMRAO YESHWANT CHEDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr Laxmikant C.Patil
AGP for Respondent Nos. 1 and 3/State : Mr P.K. Lakhotiya

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicants are seeking to condone the delay of 1906 days in filing the appeal against the Judgment and award passed by the 4th Jt. Civil Judge, Senior Division, Osmanabad in LAR No. 647/2012.
3. The learned advocate appearing for the applicants submits that the delay caused in filing the appeal is unintentional. The applicants have not derived the advantage by making the delay in filing the appeal. He invites attention of this Court to the reasons mentioned in para Nos. 2 to 6.
4. The learned AGP appearing for respondent Nos. 1 and 3 opposes the application. He would further urge that in case the delay is condoned, the applicants shall not be entitled to claim the interest for the delayed period. The notice of application is duly served upon respondent No.2/acquiring body. However, no appearance is caused.

5. Considering the nature of dispute and the fact that the applicants are seeking enhancement of compensation. It is just and desirable to condone the delay, however, on condition that the applicants shall not be entitled to claim the interest for the delayed period in case their prayer for enhancement of compensation is accepted by this Court in appeal.

6. The civil application is accordingly allowed. The delay of 1906 days caused in filing appeal is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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