

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO.2198 OF 2020
IN FAST/37259/2018

PUNDLIK CHAGAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. Abhishek M. Hajare
AGP for Respondent Nos.1 and 2/State : Mr S.B. Yawalkar

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicant seeks to condone the delay of 1675 days in filing the appeal against the Judgment and award passed by the 5th Jt. Civil Judge, Senior Division, Aurangabad in LAR No. 396/2005.
3. The learned advocate appearing for the applicant relies upon the order dated 12th August 2022 passed by this Court in ***Civil Application No. 1703/2020 in FAST No. 37266/2018*** in the matter of ***Rangnath Bhimrao Pawar Vs. The State of Maharashtra and others.*** He submits that this Court has already condoned the delay in the connected appeals arising out of the same award. Accordingly, he prays for condoning the delay in this application.
4. The learned AGP appearing for the respondent Nos. 1 and 2 does not dispute the aforesaid statement. In spite of service of notice, no appearance is caused for respondent No.3.

5. Considering the aforesaid submissions and also the reasons stated in the application for condonation of delay, it is just and desirable to allow the application and condone the delay subject to condition that the applicant shall not be entitled to claim interest for the delayed period in case his prayer for enhancement of compensation is granted by this Court in appeal.

6. Accordingly, the civil application is allowed. The delay of 1675 days is condoned in filing the appeal subject to the condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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