



THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 1763 OF 2022
IN
FIRST APPEAL (ST.) NO. 12784 OF 2021

SUHAS KEVALSING RATHOD

...VERSUS...

THE STATE OF MAHARASHTRA THR. COLLECTOR, YAVATMAL AND ORS.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.M.Kolhe, Advocate for appellant.
Ms. T.H.Udeshi, AGP for respondent nos. 1 and 2.
Shri S.K.Bhoyar, Advocate for respondent no. 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 19th AUGUST, 2023

The present application is filed for condonation of delay in filing First Appeal. There is delay of 1405 days.

2. For the reasons stated in para nos. 3 and 4 of the application, I am satisfied that there is justifiable reason for delay. However, there is huge delay. In view thereof, I am inclined to allow the application, subject to the condition that, the claimant/appellant will not be entitled for interest on enhanced compensation or statutory compensation for the delayed period. Accordingly, the application is allowed.

3. Delay in filing First Appeal is hereby condoned, subject to condition that the appellant will not claim any interest on enhanced compensation or statutory compensation for the delayed period of 1405 days.

4. Registry is directed to register the First Appeal.
5. Accordingly, the application stands disposed of.

FIRST APPEAL (ST.) NO. 12784 OF 2021

Heard.

2. **Admit.**
3. Issue notice to the respondents.
4. Ms. T.H. Udeshi, learned AGP waives notice for respondent no. 1 and 2.
5. Shri S.K. Bhoyar, learned counsel waives notice for respondent no. 3.
6. R & P be called.
7. Learned counsel for the appellant to file paper book within a period of eight weeks after receipt of R & P.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar