



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1600 OF 2022 IN
FIRST APPEAL ST. NO. 41303 OF 2019
WITH
FIRST APPEAL ST. NO. 41303 OF 2019

Prabhu Narhari Ovhal
(Deceased through LRs)
& others

.. Applicants

Versus

The State of Maharashtra
& others

.. Respondents

Mr. V. B. Deshmukh, Advocate for the applicants.
Mr. D. B. Bhange, AGP for the State.

CORAM : R. M. JOSHI, J.
DATE : 12th JANUARY, 2024.

PER COURT :

1. This is an application for condonation of delay of 1238 days in filing first appeal.
2. Heard learned counsel for the applicants and learned AGP for the State. None appears for acquiring body. This shows that the acquiring body is not serious for opposing the application.
3. It is the contention of the claimants/applicants that due to financial difficulties, the appeal for enhancement of compensation

could not be filed in time. Learned counsel for the applicant submits that in the interest of justice, delay caused in filing the appeal be condoned. The said contention is strongly opposed by learned AGP.

4. Considering the reasons mentioned in the application, no malafides can be attributed to the applicants for not preferring the appeal in time. It is clarified that applicants/appellants would not be entitled to interest on amount for the aforesaid period if they succeed in the appeal. In view of this, delay deserves to be condoned. Hence, application is allowed in terms of prayer clause 'B'. Appeal be registered.

(R. M. JOSHI)
Judge

dyb