



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19948 OF 2022
IN
FIRST APPEAL [St.] NO. 747 OF 2021

Shankar Shripati Ajagekar and Another. ...Appellants.

Versus

State of Maharashtra and Others. ...Respondents.

Mr. Tanaji Mhatugade for the Appellant.

Mr. A. R. Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : April 9, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 4 years and 248 days caused in preferring Appeal.
2. Learned Counsel appearing for the Appellant submits that impugned judgment and award was passed on 8th February 2016 and thereafter they consulted Advocate, however, due to financial constraints, could not file the First Appeal as Court fees were required to be paid. He would further submit that after the amount of compensation was withdrawn, present Appeal came to be filed.
3. Mr. Patil, learned AGP submits that delay may be condoned, however, the State should not be saddled with liability to pay interest for the period of delay, in case Appeal is allowed.

4. Reason given in the Application is that due to financial constraints, Appeal could not be filed within time. As it was open for the Appellant to restrict their claim in the Appeal and thereafter upon receipt of funds for the purpose of Court fees, claim could have been made for enhancement. Considering that no steps were taken by the Appellant for the purpose of filing Appeal for the period of 4 years and 248 days, I am inclined to agree with the contention of Mr. Patil that no interest should be payable for the period of delay in event the compensation is enhanced.

5. In the light of above, delay of 4 years and 248 days caused in preferring Appeal is condoned subject to an undertaking being filed by the Appellants that they will not claim interest on the enhanced amount of compensation, if any, for the period from 8th February 2016 till passing of present order. Let the undertaking be filed in the Registry within a period of 3 weeks from today.

6. Interim Application is allowed in above terms.

[Sharmila U. Deshmukh, J.]