

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2023  
(arising out of Special Leave Petition (Civil) No. \_\_\_\_\_ of 2023)  
(arising out of Diary No. 29387 of 2021)

BABASAHEB NARAYAN GORE DIED THROUGH LRS ..... APPELLANTS  
AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA & ORS. .... RESPONDENTS

WITH

CIVIL APPEAL NO. \_\_\_\_\_ OF 2023  
(arising out of Special Leave Petition (Civil) No. \_\_\_\_\_ of 2023)  
(arising out of Diary No. 29437 of 2021)

**O R D E R**

Leave granted.

While we are condoning the delay, this is subject to the condition that the appellants would not be entitled to interest as well as other statutory benefits for the period of delay.

Application for condonation of delay is allowed subject to the aforesaid condition.

Our attention is drawn to the order dated 11.09.2018 passed by this Court in Civil Appeal Nos. 9425-9475 of 2018 titled "*Vishvanath S/o Narayan Late Etc. v. The State of Maharashtra and Ors. Etc.*", whereby the impugned order/judgment was set aside with an order of remand to the High Court to decide the appeals afresh. It was observed that as the State Government has not preferred the appeal, the amount awarded by the High Court to the appellants shall not be reduced.

For ensuring consistency, we set aside the impugned order/judgment with an order of remand to the High Court to decide the appeals afresh.

As clarified above, the appellants would not be entitled to the interest and statutory benefits for the period of default/delay in filing of the present appeal and in the past as well.

The appeals are allowed in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(M.M. SUNDRESH)

NEW DELHI;  
FEBRUARY 03, 2023.  
bp

ITEM NO.14

COURT NO.7

SECTION IX

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29387/2021**

(Arising out of impugned final judgment and order dated 06-03-2018 in FAS No. 14455/2017 passed by the High Court of Judicature at Bombay at Aurangabad)

**BABASAHEB NARAYAN GORE DIED THROUGH LRS & ANR.                      Petitioner(s)****VERSUS****THE STATE OF MAHARASHTRA & ORS.    Respondent(s)**

(IA No.203900/2022-CONDONATION OF DELAY IN FILING and IA No.203903/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.203902/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS )

**WITH****Diary No(s). 29437/2021 (IX)**

(FOR ADMISSION and I.R. and IA No.203760/2022-CONDONATION OF DELAY IN FILING and IA No.203757/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.203754/2022-APPLICATION FOR SUBSTITUTION and IA No.203755/2022-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.203752/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.203753/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**Date : 03-02-2023 This petition was called on for hearing today.****CORAM :**

**HON'BLE MR. JUSTICE SANJIV KHANNA**  
**HON'BLE MR. JUSTICE M.M. SUNDRESH**

**For Petitioner(s)**

**Mr. Sandeep Sudhakar Deshmukh, AOR**  
**Mr. Nidhant Sharma, Adv.**  
**Mr. Tushar Bhelkar, Adv.**

**For Respondent(s)**

**Mr. Anand Dilip Landge, Adv.**  
**Mr. Siddharth Dharmadhikari, Adv.**  
**Mr. Aaditya Aniruddha Pande, AOR**  
**Mr. Bharat Bagla, Adv.**

**Ms. Kirti Dadheech, Adv.**

**UPON hearing the counsel, the Court made the following  
O R D E R**

**Delay condoned.**

**Leave granted.**

**The appeals are allowed in terms of the signed order.**

**Pending application(s), if any, shall stand disposed of.**

**(BABITA PANDEY)  
COURT MASTER (SH)**

**(R.S. NARAYANAN)  
COURT MASTER (NSH)**

**(Signed order is placed on the file)**