IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

1058 CIVIL APPLICATION NO. 15921 OF 2013
IN FAST/7306/2013 WITH CA/488/2014 IN FAST/34930/2013

KAILASH TUKARAM CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1060 FIRST APPEAL NO. 319 OF 2014

PANDURANG SAKHARAM CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1061 CIVIL APPLICATION NO. 489 OF 2014
IN FAST/34808/2013 WITH CA/490/2014 IN FAST/34712/2013 WITH CA/491/2014 IN FAST/34875/2013 WITH CA/495/2014 IN FAST/32234/2013

VASANT SAKHARAM CHAVAL DECASED L.RS. KUSHVARTABAI VASANTRAO CHAVAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1062 FIRST APPEAL NO. 1841 OF 2014

TUKARAM TATYARAO CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1063 FIRST APPEAL NO. 1842 OF 2014

PANDURANG TUKARAM CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1064 CIVIL APPLICATION NO. 1908 OF 2014
IN FAST/1099/2014 WITH CA/1909/2014 IN FAST/1116/2014 WITH CA/1910/2014 IN FAST/1112/2014 WITH CA/1911/2014 IN FAST/1107/2014 WITH CA/1912/2014 IN FAST/1097/2014 WITH CA/1913/2014 IN FAST/1104/2014
WITH
1065 CIVIL APPLICATION NO. 1988 OF 2014
IN FAST/872/2014 WITH CA/1989/2014 IN FAST/1132/2014 WITH CA/1990/2014 IN FAST/1135/2014 WITH CA/1991/2014 IN FAST/1138/2014 WITH CA/1992/2014 IN FAST/851/2014 WITH CA/1993/2014 IN FAST/1121/2014 WITH CA/1994/2014 IN

FAST/1125/2014 WITH CA/1995/2014 IN FAST/1128/2014 WITH CA/1996/2014 IN FAST/869/2014 WITH CA/1997/2014 IN FAST/864/2014 WITH CA/1998/2014 IN FAST/853/2014 WITH CA/1999/2014 IN FAST/879/2014 WITH CA/2000/2014 IN FAST/859/2014 WITH CA/2001/2014 IN FAST/856/2014 WITH CA/2002/2014 IN FAST/861/2014 WITH CA/2003/2014 IN FAST/876/2014

VASANT SOPANRAO GHODAKE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1066 FIRST APPEAL NO. 2003 OF 2014
WITH FA/1997/2014 WITH FA/2032/2014

BALASAHEB VISHVANATH CHAVA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1067 CIVIL APPLICATION NO. 4764 OF 2014
IN FAST/883/2014 WITH CA/487/2014 IN FAST/34817/2013 WITH CA/10490/2014 IN FAST/14297/2014

DNYANOBA NIVRATTI CHAVAN DED LRS KAMALABAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1068 CIVIL APPLICATION NO. 5602 OF 2014
IN FAST/6055/2014 WITH CA/5603/2014 IN FAST/6047/2014 WITH CA/5604/2014 IN FAST/4093/2014 WITH CA/5605/2014 IN FAST/3234/2014 WITH CA/5606/2014 IN FAST/3237/2014 WITH CA/5607/2014 IN FAST/3205/2014 WITH CA/5608/2014 IN FAST/2588/2014

VIJAY VISHNUPANT CHAVAL AN ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
WITH
1072 CIVIL APPLICATION NO. 10496 OF 2014
IN FAST/17666/2014

PANDIT NARAYAN CHAVHAL
VERSUS
THE SPECIAL LAND ACQUISITIN OFFICER, JALNA AND OTHERS
WITH
1073 CIVIL APPLICATION NO. 10558 OF 2014
IN FAST/4097/2014 WITH CA/10559/2014 IN FAST/4101/2014 WITH CA/10560/2014 IN FAST/4099/2014 WITH CA/10561/2014 IN FAST/6061/2014 WITH CA/10562/2014 IN FAST/6051/2014 WITH CA/10563/2014 IN FAST/6044/2014 WITH CA/10564/2014 IN

FAST/6049/2014

MAROTI SAHEBRAO CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS
...
Advocate for Applicant : Kakade Deepak M.
AGP for Respondents:
Advocate for Respondents :
Advocate for Respondents :
Advocate for Respondents :
Advocate for Respondents :
Gp For R/1 & 2 R/3 Servedgiri Umakant P. Adv For R
...
CORAM : S V GANGAPURWALA, J.
Dated: September 04, 2015
...
PER COURT :-

(S V GANGAPURWALA, J.)
...
Advocate for Applicants : Mr. Kakade Deepak M.
AGPs for Respondents State: Mr. S. M.Jadhav, Mr. D. V.Tele
Advocate for respondent No.3: Mr. Umakant P. Giri, P. R.Tandale
…

CORAM : S. V. GANGAPURWALA, J.

DATE : 4th September, 2015

PER COURT :

1. These are applications for condonation of delay. Learned counsel appearing for the acquiring body opposes the applications for condonation of delay on the ground that it is a case of abnormal delay. Delay is of more than 2000 days in each matter.

2. According to the learned AGP, only because in some of the connected appeals arising out of

acquisition of lands under the same project, the delay is condoned and admitted, the same cannot be considered as relevant factor for condoning delay in these matters. The learned AGP relied on the judgment of of the Apex Court in the case **Basawaraj and another Vs. Spl. Land Acquisition Officer,** reported in **2013 AIR (SCW) 6510.** The learned AGP submits that the applications for condonation of delay do not spell out sufficient cause for condonation of delay.

3. Some of the appeals from same group are admitted by this Court. On the last occasion, the learned Single Judge of this Court had expressed that all the admitted appeals and the present appeals should be considered together, as stated by the learned counsel for the respective parties.

4. The learned counsel for the applicants submit that the applicants, to show bonafide, filed undertakings before this Court that in case the compensation amount is enhanced by this Court, the claimants would waive statutory benefit for the delayed period.

5. I have considered the submissions.

6. The fact that the delay in other matters are condoned and they are admitted is not disputed. In the present applications, the reasons are given that the loans were outstanding against the claimants, clearing of the loan and then garnering the amount for filing the appeals took some time. The applicants have also shown bonafide by filing undertakings before this court that in the event the court enhances the compensation amount, they would not claim any statutory benefit for the period of delay.

7. Considering the above, I am inclined to condone the delay. Civil applications are allowed. Delay in filing the appeals is condoned.

8. Claimants will have to abide by their undertakings.

9. Place the appeals for admission on 15th September, 2015 alongwith other connected appeals.

10. Civil Applications disposed of.

(S. V. GANGAPURWALA, J.)

JPC