

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

CIVIL APPLICATION NO. 5610 OF 2014
IN FAST/6701/2014

AMINKHAN RASOOLKHAN PATHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Deepak M. Kakade, Advocate, for applicants.

*Mr. D.V. Tele, Asst. Government Pleader, for
non-applicant nos.1 and 2.*

Non-applicant no.3 served (Absent).

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CORAM : A.M. BADAR, J.

DATE : 23RD DECEMBER 2015

PER COURT :

1. Heard the learned Counsel appearing for applicants - original claimants and perused the application. Also heard the learned Asst. Government Pleader appearing for non-applicant nos.1 and 2. None for non-applicant no.3 despite service.

2. In filing an appeal under Section 54 of the Land Acquisition Act, 1894, delay is caused and the same is explained in the application. The learned Counsel for applicants submits that the delay is bona fide and unintentional. According to him, applicants have good case on merits

because in similar matters there is enhancement of compensation in First Appeals.

3. In para 5 of the application, applicants have stated that whatever money received by them towards compensation was spent for refunding the loan taken from moneylender. Applicants have further stated that they are doing farming on contract basis in others farm. Averments made in the application are not controverted by filing counter. It is seen that because of poor financial condition, applicants could not file appeal within limitation. Bona fides of the applicants are writ large from the statement by the learned Counsel for applicants to the effect that applicants will not claim any statutory benefits for the period of delay.

4. Hence for the stated reasons as well as because of bona fides shown by applicants, the Application is allowed on condition that applicants should tender an undertaking before this Court, within a period of four weeks from today, that they shall not claim any statutory benefit for the period of delay.

5. The Civil Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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