

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

CIVIL APPLICATION NO. 11540 OF 2015

IN FIRST APPEAL ST. NO. 25425 OF 2015

(Sampat Nivrutti Late Vs.The State of Maharashtra & Ors.)

CIVIL APPLICATION NO. 11543 OF 2015

IN FIRST APPEAL ST. NO. 25386 OF 2015

(Bapu Anna Late Vs.The State of Maharashtra & Ors.)

CIVIL APPLICATION NO. 11545 OF 2015

IN FIRST APPEAL ST. NO. 25429 OF 2015

(Appasaheb Kisanrao Late Vs.The State of Maharashtra & Ors.)

CIVIL APPLICATION NO. 11546 OF 2015

IN FIRST APPEAL ST. NO. 25427 OF 2015

(Gulab Babasaheb Late Vs.The State of Maharashtra & Ors.)

CIVIL APPLICATION NO. 11547 OF 2015

IN FIRST APPEAL ST. NO. 25376 OF 2015

(Kailas Appa Late Vs.The State of Maharashtra & Ors.)

Mr. D.M. Kakade, Advocate for the applicants.

Mr. N.B. Patil, AGP for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 20.11.2015

P.C. :-

1. By these applications, claimants are seeking condonation of delay in lodging appeals under section 54 of the Land Acquisition Act for challenging award of the Reference Court.

2. The delay occasioned in challenging award of the Reference Court ranges from 1353 days to 2085 days. Learned Counsel appearing for claimants submits that identical appeals arising out of the compensation awarded by the same notification are already admitted for consideration. In order to show bonafides of claimants, he submits that

applicants/claimants shall file an undertaking before this Court within four weeks from today stating that in the event of allowing appeals, they will not claim any statutory benefit for the period of delay.

3. Learned AGP appearing for respondent/State and Land Acquisition Officer opposed the applications by submitting that there is no explanation for inordinate delay.

4. Perusal of applications shows that, attempt is made to demonstrate that there is sufficient cause in lodging the appeals belatedly. Applicants appear to be agriculturists. They have shown their bonafides and they undertake not to claim and receive any statutory benefits for period of delay.

5. Averments made in the application are not countered by filing counter affidavit. In the result, I hold that the delay is sufficiently explained and therefore the order :-

(i) Civil Applications are allowed. Delay is condoned subject to filing of undertaking within a period of four weeks from day. First appeals be registered.

[A.M. BADAR, J.]