

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 10484 OF 2014
IN
FIRST APPEAL [STAMP] NO.27937 OF 2014

Dagadu Ramraj Kusalkar,
since died, through
his Lrs. Dropadabai and ors. ..Applicants

Versus

The State of Maharashtra ..Respondent

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Mr.R.S.Deshmukh, advocate for applicant

Mr.S.M.Jadhav, AGP for respondents

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CORAM : M.T. JOSHI, J.

DATE : JANUARY 20, 2015

PER COURT :

Heard both sides.

2] Delay of 971 days in filing the First Appeal against the award passed under the Land Acquisition Act, is sought to be condoned by the legal representatives of the original claimants.

3] Learned counsel for the applicants submits that the applicants/appellants have good chance of success in the appeal on merit. The connected appeals bearing First Appeal Nos.1258 of 2008, 2408 of 2008, 2171 of 2009 and 29296 of 2009 are pending for hearing before this Court. He further submits that the present applicants were unable to file the appeal in time as their only source of income is the agricultural land and that they are illiterate.

4] In my view, sufficient reasons are made for condonation of the delay. Hence, the following order :-

I) The application is allowed without any order as to costs.

II) The delay caused in filing the First Appeal is condoned, on the condition that

the applicants furnish undertaking in this Court within eight weeks that they would not claim statutory interest for the delayed period.

[M.T. JOSHI, J.]

kbp