

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) CA NO.11610/2015gr

**14 CIVIL APPLICATION NO. 11610 OF 2015  
IN  
FAST/595/2015**

RUSTUM GANGARAM NIRWAL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
**15 CIVIL APPLICATION NO. 11625 OF 2015  
IN  
FAST/601/2015**

**WITH  
CA/11626/2015 IN FAST/747/2015  
WITH  
CA/11739/2015 IN FAST/743/2015**

GANPATRAO SAHEBRAO NIRWAL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Applicant : Mr. Rajesh Mewara h/f  
Mr.Bhise Vitthal D.

AGP for Respondent State: Mr. R.B.Bagul  
Advocate for respondent no.3: Mr. A.M.Gaikwad

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CORAM : P.R. BORA, J.  
Dated: April 07, 2016  
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PER COURT :-

1. Delay for the period ranging from 280 days to 1424 days has occurred in filing the present appeals by the original claimants. Learned Counsel appearing for the original claimants brought to my notice that in the connected matters arising out of the same acquisition, the delay has already been condoned. Learned Counsel brought to my notice that in those matters also, the delay caused was of 1300 days. Learned Counsel submitted that the claimants are ready to give an -

AGP/-

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undertaking that they will not claim any interest of the period of delay in the event the compensation amount is enhanced in the present appeals. Learned Counsel submitted that in the connected matters also similar undertaking has been submitted by the claimants and taking into account the undertaking so submitted, the Court has condoned the delay occasioned in preferring the appeals.

Learned Counsel appearing for the acquiring body as well as learned A.G.P. are not disputing the facts so stated by the learned Counsel for the claimants. Copy of one such order passed on 29th January, 2016, in First Appeal Stamp No.26592/2015 is placed on record.

2. In view of the order passed in companion matter, I do not see any reason for not taking the same recourse in the present matter also. Hence, the following order:

ORDER

A) The delay caused in filing the appeals is condoned subject to filing of an undertaking by the claimants that they will not claim any interest of the period of delay in the event the appeals are allowed and the amount of compensation is enhanced.

AGP/-

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**(3)**

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B) The appeals be registered in accordance with law.  
Learned A.G.P. waives service for respondent nos. 1 and 2.  
Learned Counsel Mr.A.M.Gaikwad waives service for respondent  
no.3.

C) Call for R & P.

( P.R. BORA, J. )

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