

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO.5613 OF 2014
IN FAST/4062/2014 WITH CA/5614/2014 IN
FAST/3228/2014 WITH CA/5618/2014 IN
FAST/2214/2014 WITH CA/5619/2014 IN
FAST/2222/2014 WITH CA/5621/2014 IN
FAST/2216/2014 WITH CA/5622/2014 IN
FAST/2228/2014 WITH CA/5624/2014 IN
FAST/2218/2014 WITH CA/6823/2014 IN
FAST/4059/2014 WITH CA/6824/2014 IN
FAST/2220/2014 WITH CA/6825/2014 IN
FAST/6082/2014

RAMKISHAN DADARAO GHODKE
VERSUS
THE STTE OF MAHARASHTRA LAND OTHERS

...

Advocate for Applicant : Mr. Kakade Deepak M.
Mr. AM Phule, AGP for Respondents: 1 & 2;
Mr. Patil Ruturaj C. Adv For Resp 3..

CORAM : P.R.BORA, J.

DATE : 15th September, 2016.

PER COURT :

1) Heard. In all these matters, delay of around 3882 days has occurred in filing the present appeals by the original claimants. Learned Counsel appearing for the appellants/applicants today has tendered across the bar the undertakings on affidavit by the

respective claimants to the effect that the appellants/applicants will not claim any statutory benefit or interest for the period of delay in the event they succeed in the present appeals. The undertakings so tendered are taken on record and are marked for identification as Exhibit-X.

2) Shri Kakde, learned counsel appearing for the appellants/applicants submitted that in other matters arising out of the same notification, this court had enhanced the amount of compensation to the tune of Rs. 1500 per Are. The learned counsel submitted that considering the undertakings submitted by the appellants that they will not claim any statutory benefits or interest of the period of delay, the delay caused in filing the respective appeals be condoned and the appeals be decided on merits.

3) Shri Patil, learned counsel appearing for Respondent – acquiring body and learned AGP

for Respondent Nos. 1 and 2 have strongly opposed for condoning the delay, contending that no justifiable reasons are assigned for the huge delay which has occasioned in filing the present appeals. However, considering the fact that the appellants/applicants have filed the undertakings to the effect that they will not be claiming any statutory benefit and interest for the period of delay, I am inclined to allow the present applications. It also cannot be ignored that in the matters arising out of the same notification, this court has enhanced the amount of compensation and the same criterion needs to be applied in the present appeals. Hence, the following order, -

ORDER

i) The delay caused in filing the appeals is condoned. The applications for condonation of delay are disposed of. The appeals be registered in accordance with law.

ii) It is clarified that in the event the appeals filed by the present appellants/applicants are allowed, as undertaken by them, appellants will not be entitled for any statutory benefits or interest for the period of delay of 3882 days.

iii) The copy of this order be placed in the papers of the appeals.

(P.R.BORA)
JUDGE

bdv/