

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(1)**

**CA NO.4469/2014**

**909 CIVIL APPLICATION NO. 4469 OF 2014  
IN FAST/6799/2014**

MANAKU LAHANU THELARI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Applicant : Mr.Patil R.C.  
AGP for Respondent State: Mr.G.O.Wattamwar

...  
CORAM : P.R. BORA, J.  
Dated: October 19, 2016

...  
PER COURT :-

1. Heard Shri R.C.Patil, learned Counsel appearing for the applicant / appellant and Shri Wattamwar, learned A.G.P. appears for respondent no.1 State and the Special Land Acquisition Officer. None has appeared for respondent no.3.

2. Shri Patil submits that the entire land of the present appellant was acquired for Akkalpada project and, thereafter, he had become landless. Learned Counsel further submits that the appellant belongs to shepherd community and was not having any resources even to seek legal redress. Learned counsel submitted that the appellant / applicant has also filed undertaking on record to the effect that in the event of his success in the present appeal, he will not claim any statutory benefit or interest

AGP/-

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for the period of delay which is of 1660 days.

3. Shri Wattamwar has opposed for condoning the delay stating that the reasons assigned are insufficient. However, having regard to the contentions raised in the application and more particularly considering the fact that the applicant has submitted an undertaking, not to claim interest or any statutory benefits for the period of delay, I am inclined to allow the application and pass the following order:

**ORDER**

1. Civil Application for condonation of delay is allowed and disposed of. Delay is condoned.
2. The appeal be registered in accordance with law.
3. It is clarified that in the event of success in the appeal, as undertaken by the appellant / applicant, he will not claim statutory benefits or interest of the period of delay. Copy of the present order be placed in the papers of the appeal.

( P.R. BORA, J. )

AGP/-