

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8049 of 2014

**8 CIVIL APPLICATION NO. 8049 OF 2014
IN FAST/20723/2014
WITH
CA/8050/2014 IN FAST/20919/2014**

VISHWANATH MAHADA KUMBHAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr.R.P.Adgaonkar h/f
Mr.Patil Mahesh S.
AGP for Respondent State: Mr.A.M.Phule,

...
CORAM : P.R. BORA, J.
Dated: September 23, 2016

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PER COURT :-

1. The appellants have filed the present appeals, challenging the judgment and award passed by the Joint Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference Nos.133 of 2003 and 346/2002. Learned Counsel appearing for the appellants / applicants submit that the challenge raised in the present appeal is only to the extent that the Reference Court has not awarded the statutory benefits under the provisions of the Land Acquisition Act. Delay of 2080 days has occurred in filing the present appeals. Learned Counsel submitted that immediately after passing of the impugned award, an application was moved by the appellant to the same Court by invoking provisions under Sections 151 and 152 of the

AGP/-

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Code of Civil Procedure, however, the same was rejected by the Reference Court vide order passed on 25th of January, 2010. Learned Counsel further submits that because of the old age of the appellants and financial constraints, the applicants / appellants could not file the appeals within the stipulated period of limitation.

2. Shri A.M.Phule, learned A.G.P. appearing for the State, has opposed for condonation of delay, stating that the delay condonation applications do not disclose any sufficient cause so as to condone the delay.

3. After having considered the submissions of the learned Counsel appearing for the respective parties and more particularly taking into account the fact that though the applicants / appellants are entitled for the statutory benefits, the Reference Court seems to have not awarded such benefits to the appellants, I am inclined to allow the present applications. Hence, the following order:

ORDER

1. The delay caused in filing the appeals is condoned, however, subject to costs of Rs.10,000/- (Rs. ten thousand) in each of the matter, to be deposited by

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the appellants within four weeks. Both the Civil Applications for condonation of delay are allowed.

2. The appeals be registered in accordance with law after depositing the costs.

(P.R. BORA, J.)

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