

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.14136/2012

**982 CIVIL APPLICATION NO. 14136 OF 2012
IN FAST/22030/2012
WITH
CA/14137/2012 IN FAST/22071/2012**

VASANT KRISHNA MAHAJAN DIED THR LRS ABHIJEET
VASANT MAHAJAN AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants :Mr. Murge Estling S
AGP for Respondent State:Mr.S.N.Morampalle

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CORAM : P.R. BORA, J.
Dated: August 05, 2016

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PER COURT :-

1. Both these applications are filed seeking condonation of delay which has occurred in filing the appeals by the original claimants against the award passed by the Reference Court in LAR Nos.171/1994 and 188/1994.

2. Learned Counsel appearing for the applicant submits that in Civil Application No.14136/2012, the Land Acquisition Reference was filed by the father of the present applicants, however, after passing of the award, he died and present applicants i.e. legal representatives of deceased Vasant were not aware of the proceedings. In other matter, it is submitted that the applicants were advised to file X-Objection after the said appeal is admitted. Learned Counsel submits that since till date the appeal is not admitted, now, the applicants have

AGP/-

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decided to file separate appeal. Learned Counsel further

(2) CA NO.14136/2012

submitted that the appellants / applicants undertake not to claim any interest of the period of delay in the event their appeals are allowed and the amount of compensation is enhanced.

3. Learned A.G.P. has opposed for condonation of delay contending that the reasons stated in the applications for condonation of delay are not sufficient.

4. Considering the submissions so made, I deem it appropriate to pass the following order:

ORDER

1. The applications are allowed. Delay caused in preferring the appeals is condoned. Civil Applications stand disposed of.

2. The appeals be registered in accordance with law. Present appeals be placed for admission with First Appeal No.1402/2014.

3. It is clarified that in the event the appeals are allowed, and the amount of compensation is enhanced, the appellants / applicants shall not claim any interest on the said enhanced amount for the period of delay.

4. Copy of the order passed in these applications be placed in the record of the appeals.

(P.R. BORA, J.)

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