

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

917 CIVIL APPLICATION NO. 12040 OF 2015
IN FAST/21906/2014 WITH CA/12039/2015 IN FAST/21900/2014
WITH CA/12717/2015 IN FAST/29829/2015

TUKARAM LAXMAN JADHAVAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Tanwade Vikas S.
AGP for Respondent No. 1 : C.V. Dharurkar
Advocate for Respondent No. 2 in CA Nos. 12040, 12039/15 and
for respondent Nos. 3 and 4 in CA No. 12717/15 : Jeevan Patil h/f.
Gulab Rajale

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26 FIRST APPEAL NO. 2495 OF 2011
WITH X-OBJST/30072/2011 IN FA/2495/2011 WITH FA/146/2015
WITH FA/147/2015 WITH FA/332/2012 WITH CA/14178/2010 IN
FA/332/2012 WITH FA/335/2012 WITH CA/14180/2010 IN
FA/335/2012 WITH FA/336/2012 WITH CA/14182/2010 IN
FA/336/2012 WITH X-OBJST/18135/2013 IN FA/336/2012 WITH
FA/779/2011 WITH X-OBJST/25914/2014 IN FA/779/2011 WITH
FA/964/2011 WITH X-OBJST/23169/2014 IN FA/964/2011 WITH
FA/969/2011 WITH X-OBJST/6851/2012 IN FA/969/2011 WITH
FA/970/2011 WITH X-OBJST/10786/2012 IN FA/970/2011 WITH
FA/971/2011 WITH X-OBJST/10795/2012 IN FA/971/2011 WITH
FA/993/2011 WITH X-OBJST/10782/2012 IN FA/993/2011 WITH
FA/1011/2011 WITH X-OBJST/3766/2012 IN FA/1011/2011 WITH
FA/1012/2011 WITH X-OBJST/6856/2012 IN FA/1012/2011 WITH
FA/1013/2011 WITH X-OBJST/16059/2012 IN FA/1013/2011 WITH
FA/2494/2011 WITH X-OBJST/30120/2011 IN FA/2494/2011 WITH
FA/2496/2011 WITH X-OBJST/30074/2011 IN FA/2496/2011 WITH
FA/2497/2011 WITH X-OBJST/30068/2011 IN FA/2497/2011 WITH
CA/12184/2015 IN X-OBJST/25130/2015 WITH CA/12185/2015 IN
X-OBJST/25128/2015

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVN
OSMANABAD THROUGH MAH KRISHNA VALLEY
VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellants : Rajale Gulab

AGP for Respondent/State: C.V.Dharurkar

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CORAM : T.V. NALAWADE, J.
DATED : 19th January, 2016.

PER COURT :

1. In civil application No. 12717/2015 learned counsel Shri. Jeevan Patil waives notice for respondent Nos. 3 and 4, though report is awaited.

2. Heard the learned counsel for applicants, original claimants. Heard the Acquiring Body. Heard the learned AGP. In view of the contentions made by the claimants in applications and submissions made, this Court holds that sufficient cause is shown. Though delay can be condoned, there will be point of payment of interest at higher rate in respect of 1491 days in two matters and 1903 days in third matter at Sr. No. 917. In view of this circumstances, the learned counsel for original claimants makes a statement that the claimants will not be claiming interest in respect of this delay period. He is filing undertakings in this regard. The undertakings are taken on record in all the three matters. In view of the undertakings and statement made, this Court holds that delay can be condoned. All the three applications at Sr. No. 917 are allowed. Delay is condoned, subject to condition that in first two matters interest will not be

payable, if the compensation is enhanced in respect of 1491 days and in the third matter, interest will not be payable in respect of 1903 days, if compensation is enhanced.

3. Notice in first appeals. Learned counsel Shri. Jeevan Patil waives notice for Acquiring Body and the learned AGP waives notice for respondent State.

4. List these matters and matters at Sr. No. 26 on 1.3.2016. Call record and proceedings in all the matters.

[T.V. NALAWADE, J.]

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