

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.1044 OF 2012
IN
FIRST APPEAL ST.NO.33270 OF 2011

Ravsaheb Ashroba Kavale

..Applicant

Versus

The State of Maharashtra,
through the Collector,
Parbhani and ors.

..Respondents

Mr D.M. Kakade, Advocate for applicant

Mr A.M. Phule, A.G.P. for respondents 1 and 2

CORAM : V.K. JADHAV, J.

DATE : 7th June 2016

PER COURT

Heard both the sides.

2. The learned Assistant Government Pleader submits that there is inordinate delay in filing the appeal and the same is not satisfactorily explained by the appellant. The learned Assistant Government Pleader in the alternate submits that if the delay is condoned, then the applicant may not be awarded the interest and the statutory benefits of the period for which the delay sought to be condoned, in the event applicant succeeds in the main appeal.

3. The learned Counsel for the applicant submits that some of the agriculturists have challenged the order of compensation awarded by the Special Land Acquisition Officer and accordingly, the reference Court and also this Court have awarded the enhanced compensation.

4. In view of above submissions, the delay of 1097 days in filing the first appeal is hereby condoned on condition that the applicant will not be entitled to claim the interest and other statutory benefits for the period for which the delay sought to be condoned, in the event the applicant succeeds in appeal.

5. Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

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