

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 1981 OF 2016
IN FAST/32948/2015

RAMDAS SHANKAR PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Bhokarikar Madhav M
AGP for Respondents : A.M. Phule
...

CORAM : P.R. BORA, J.
DATE : 30-09-2016.

Per Court :

1. Heard. Delay of 1187 days has occurred in filing the present appeal by the original claimants in exception to the award passed in Land Acquisition Reference. The learned counsel submitted that because of the financial difficulties, the applicant/appellant could not file the present appeal within the stipulated period of limitation. The learned Counsel, on instructions, submitted that the applicant/appellant will not claim any interest under Section 28 and 34 of the Land Acquisition Act, 1894 in the event of success in the present appeal for the period of delay which has occurred in filing the present appeal.

2. Learned AGP and learned Counsel appearing for respective respondents have opposed for condoning the delay stating that the reasons as are assigned, are not sufficient to condone the delay.

3. I am however inclined to allow the present application in view of the submission made by the applicant/appellant that he will not claim any interest under Section 28 and 34 of the Land Acquisition Act, 1894 for the delayed period. Hence, the following order, -

ORDER

i) The application is allowed. The delay caused in filing the appeal is condoned.

ii) The appeal be registered in accordance with law.

Iii) It is clarified that as undertaken by the applicant/appellant, he will not be entitled for any interest under Section 28 and 34 of the Land Acquisition Act, 1894, in the event he succeeds in the present appeal and the amount of compensation is enhanced, on the said enhanced amount of compensation for the period of delay. A copy of this order be placed in the papers of the appeal. Civil Application stand disposed of.

(P.R. BORA)
JUDGE

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