

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
916 CIVIL APPLICATION NO. 3823 OF 2017
IN FAST/2781/2017**

**SAHEBRAO NANA KORDE
VERSUS
THE STATE OF MAHARASHTRA THR LAND ACQUISITION OFFICER,
AURANGABAD AND ANR**

...

Advocate for Applicant : Mr. Adkine Sonaji K.
AGP for Respondent No. 1 : Mr. A.M. Phule.

CORAM : K. L. WADANE, J.

DATE : 21st December, 2017

ORDER:

1. This is an application for condonation of delay. Perused the contents of the application. It appears that the applicant was prevented from certain causes such as financial constrain. Therefore, he was unable to prefer the appeal within prescribed period of limitation.

2. Learned counsel appearing for the respondent has opposed the application, as the delay has not been explained satisfactorily.

3. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another**, reported in AIR 2013 SC 3452, the delay can be condoned on the condition that in case the

appellant/s succeed/s in the first appeal, then they/he will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

4. In view of the above, delay caused in filing the appeal is hereby condoned. The applicant shall not be entitled for the amount of interest, other statutory benefits for the period for which the delay is sought to be condoned.

5. Civil application is accordingly disposed of.

6. First Appeal be registered. After registration of Appeal, issue notice to the respondents. The learned A.G.P. appearing for the respondents waives service of notice for the respondent No. 1.

7. Against the Award passed by the Reference Court, the respondent/State has also presented appeal bearing First Appeal no. 1792/2008 and same is admitted and pending for hearing.

8. Call record and proceedings.

(K. L. WADANE, J.)

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