

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

CIVIL APPLICATION NO. 4351 OF 2016

IN

CRAST/2918/2016

DEVIDAS S/O DADARAO BHOSALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND ORS

...

Advocate for Applicant : Mr. Ingale V.V.
AGP for Respondents 1 and 2 : Mr. S.S.Dande

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CORAM : K.L.WADANE, J.

DATED : 19th September, 2017

O R D E R :

Heard learned counsel for the parties.

2. This is an application filed by the applicant for condonation of delay of 1312 days caused in filing Civil Revision Application.

3. On perusal of the application, it appears that the applicant was unaware about the order passed in the Land Acquisition Reference and some delay caused in contacting the lawyer for filing the proceedings, and as such, he could not prefer appeal within limitation. However, the inaction and/or negligence on the part of applicant to some extent, is responsible for causing such inordinate delay.

4. Learned A.G.P. for the respondents/State resisted the application on the ground that the delay has not been explained satisfactorily. In the alternate, they submit that delay may be condoned on the condition that if the applicant succeeds in the appeal, the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

5. In view of above and in the light of observations made by the Supreme Court in para 14 of the judgment in the case of **Ramanlal Deochand Shah vs State of Maharashtra and another**, reported in **AIR 2013 SC 3452**, Civil Application for condonation of delay is allowed. Delay in filing the appeal is hereby condoned on the condition that the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

6. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm