

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

49 CIVIL APPLICATION NO. 6047 OF 2014
IN X-OBJST/2699/2014

SAKHARAM PUNDLIK SONAWANE DIED THR. L.RS. SAHEBRAO
SAKHARAM SONAWANE
VERSUS
THE EXECUTIVE ENGINEER DHULE MEDIUM PROJECT DIVISION NO.1
AND OTHERS

...
Advocate for Applicant : Mr. R.C. Patil
AGP for Respondent No. 2: Mr. S.R. Yadav
...

CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant-original claimant in cross-objection and learned AGP for respondent - Acquiring Body. Despite service of notice, none appears for respondent No. 1.

2. It appears that respondent No. 1 Executive Engineer, Dhule Medium Project No. 1 Dhule Division filed first appeal No. 1398 of 2010 against judgment and award passed by Reference Court in LAR No. 118 of 2003. Present appeal is pending before this Court for adjudication on merit. Meanwhile, present applicant filed cross objection in the appeal filed by the appellant- Acquiring Body seeking permission to file cross objection by condoning the delay. In addition, the applicant-claimant has shown his willingness / inclination that he will not claim statutory benefits as well as amount of interest as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits and interest amount etc. on the part of applicant there would not be any impediment to condone the delay. The application for condonation of delay required to be allowed.

3. Considering the nature of submissions and in the interest of justice a reasonable opportunity is required to be granted to the

applicant to raise objection to the contentions put forth on behalf of appellant-Acquiring Body. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits and interest amount etc. on the part of applicant-claimant, there would not be any impediment to condone the delay.

4. In sequel, application is allowed in terms of prayer clause "B". The delay caused to present the cross-objection against the impugned Judgment and Award stands condoned subject to condition that applicant-claimant shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this Court after adjudication of appeal on merit.

5. Pursuant to aforesaid waiver of statutory claim, the applicant-claimant shall furnish undertakings to that effect and place it on record of the appeal to enable this Court to take note of the same, while decision of the appeal on merit. Registry to take requisite steps for further process and list the cross-objection filed on behalf of the applicant for simultaneous hearing with First appeal No. 1398 of 2010 in due course.

6. The civil application is allowed in aforesaid terms and stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

mtk.