

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

CIVIL APPLICATION NO. 3435 OF 2017

IN

FAST/3271/2017

BABARAO CHAPLA RATHOD (DIED) THR LRS RANJIT B.

RATHODAND ORS

VERSUS

STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

...

Advocate for Applicants : D.A. Bide

AGP for Respondents 1 and 2 : Mr. S.S.Dande

Adv. For resp. no.3 : Mr. S.G.Bhalerao

.....

CORAM : K.L.WADANE, J.

DATED : 5th October, 2017

O R D E R :

This is an application filed by the applicants/appellants for condonation of delay of 3022 days caused in filing First Appeal.

2. Heard learned counsel for the applicants.

3. On perusal of the application, it appears that the applicants are poor and the acquired land was the only source of their income and on receiving the amount they applied for certified copies and immediately filed appeal. 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 respondent/State and

learned counsel for acquiring body strongly 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 applicants succeed in the appeal, the applicants 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 applicants 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