

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 9241 and 9242 OF 2016
IN FAST/6326/2016

WITH

CA/9245/2016 IN FAST/6437/2016

WITH

CA/9246/2016 IN FAST/6437/2016

WITH

CA/9249/2016 IN FAST/6427/2016 WITH CA/9250/2016
IN FAST/6427/2016

THE STATE OF MAHARASHTRA AND ORS

VERSUS

DEELIP BAJIRAO SHINDE

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AGP for Applicants : Mr. RB Bagul;
S/Shri HV Patil and MP Kale, Advocates for
respective respondent/s – original claimant/s.

CORAM : P.R.BORA, J.

DATE : 14th June, 2017.

PER COURT :

1) Heard Shri Bagul, learned AGP appearing
for the State; Shri HV Patil and Shri MP Kale,
learned Counsel for the respective original
claimants.

2) In filing these appeals delay of 3393
days has occurred. The learned AGP submitted
that the Reference Court has awarded rental

compensation, which was improper and to that extent the award needs to be set aside. The learned counsel further submitted that in some of the matters, as has been pointed by learned counsel for the original claimants, the claimants had approached this court seeking enhancement in the amount of compensation and in the said appeals, the market value, as was determined by the Reference Court, has remained unchanged. The learned AGP fairly submitted that in such circumstances, the State may not press the objection as about the market value, as has been determined by the Reference Court.

3) The learned Counsel appearing for the original claimants have opposed for condoning the delay, stating that no reasons are assigned for condoning such huge delay. The learned counsel, in the alternative, submitted that if the appeals are expeditiously heard immediately after

condoning the delay, since the challenge raised is now limited only to the extent of grant of rental compensation, the claimants may not have any objection for condoning the delay and taking the appeals for final disposal.

4) In view of the submission so made, delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed. On registration of the appeals, issue notices to the respondents. Learned counsel waive service for the respective respondents – original claimants. Service complete. Appeals shall be forthwith taken up for final disposal at the admission stage.

(P.R.BORA,J.)

bdv/