

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CIVIL APPLICATION NO. 9009 OF 2016
IN FAST/9228/2016 WITH CA/6389/2016 IN FAST/35328/2015
WITH CA/9007/2016 IN FAST/9233/2016 WITH CA/9008/2016
IN FAST/9223/2016 WITH CA/9010/2016 IN FAST/9226/2016
WITH CA/9011/2016 IN FAST/9235/2016 WITH CA/9012/2016
IN FAST/9239/2016 WITH CA/9013/2016 IN FAST/9243/2016
WITH CA/9014/2016 IN FAST/9248/2016

RAM SHEKABA MALI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Mr. S.N. Patil, Advocate for the applicants
Mr. S.P. Sonpawale, A.G.P. for respondent Nos.1 & 2

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CORAM : K.K. SONAWANE, J.

DATE : 18TH AUGUST, 2017

PER COURT :

1. Heard learned counsel appearing for the applicants and learned A.G.P. for respondent Nos.1 and 2/State. Perused the applications and documents produced on record.

2. Learned counsel for the applicant/s submits that the Reference Petitions under Section 18 of the Land Acquisition Act for enhancement of compensation were filed before the learned Reference Court, which came to be partly allowed. The applicants had filed First Appeals against the impugned Judgment and order passed by the learned Reference Court. There is delay of 2284 and 2176 days respectively in preferring the First Appeals. According to the learned counsel for the applicants, the applicants have no knowledge about the legal and official procedure in preferring the Appeals, therefore, the delay has been caused.

2. The learned counsel for the applicant-appellant submits that the applicants-appellants will not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894, for the period of delay sought to be condoned, in case of success of appeal on merit.

3. Learned A.G.P. raised objection and submits

that the reasons mentioned by the applicants for condonation of delay are not sufficient and considerable. Therefore, the Civil Applications may be rejected.

4. In view of the aforesaid submissions and for the reasons mentioned in the application that the applicants are rustic and illiterate persons having no knowledge about the legal procedure as well as they had a financial crisis, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate the grievances before the Appellate Forum. There is no impediment to condone the delay. There is sufficient cause to allow the applications for condonation of delay. In addition, the applicants/claimants have shown their willingness/inclination that they will not claim statutory benefits, as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits on the part of applicants-appellants, there

would not be any impediment to condone the delay. The applications for condonation of delay deserves to be allowed.

5. In sequel, applications stand allowed. The delay caused to present the appeals against the impugned Award stands condoned subject to condition that applicants-appellants 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.

6. Pursuant to aforesaid waiver of statutory claim, the applicants-appellants shall furnish undertaking to that effect and place it on record of the appeals to enable this Court to take note of the same, while decision of the appeals on merit. Registry to take requisite steps for further process.

7. The civil applications are allowed in aforesaid terms and stand disposed of.

(**K.K. SONAWANE, J.**)

SRM/18/8/17