

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

**CIVIL APPLICATION NO. 3681 OF 2015
IN
FIRST APPEAL STAMP NO. 11301 OF 2014**

Venkat Apparao Bhadade and others ...APPLICANTS

versus

The State of Maharashtra and another ...RESPONDENTS

**WITH
CIVIL APPLICATION NO. 3682 OF 2015
IN
FIRST APPEAL STAMP NO. 11260 OF 2014**

Shashika Manohar Birle ...APPLICANT

versus

The State of Maharashtra and another ...RESPONDENTS

.....
Mr. S.S. Halkude, Advocate for applicants
Mr. C.V. Dharukar, AGP for respondent No. 1
Respondent No. 2 served.

.....
CORAM : K.K. SONAWANE, J.

DATED : 23rd AUGUST, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties. Perused the application. Despite service, none has caused appearance on behalf of respondent No. 2.

2. The learned counsel for the applicants-appellants submits that present applications are filed for condonation of 1072 days delay caused in preferring the appeals against the impugned Judgment and Award passed by the Reference Court. According to learned counsel, 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 appeals on merit.

3. In view of the aforesaid submissions and for the reasons mentioned in the application and 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 sufficient cause to allow the applications for condonation of delay. In addition, the applicants/claimants has 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 deserve to be allowed.

4. In sequel, applications stand allowed in terms of prayer clause "B". The delay caused to present the appeals against the impugned Judgment and 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 appeals on merit.

5. 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.

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

Sd/-

[K. K. SONAWANE]
JUDGE

MTK