

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

71 CIVIL APPLICATION NO. 7812 OF 2017
IN FAST/14797/2017

LATE KHANDU SHANKAR PATIL THR LRS SHRAWAN AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER JALGAON AND ANR

...

Advocate for Applicants : Mr. Bhokarikar Madhav M
AGP for Respondents State: Mr. S. S. Dande

CORAM : K. L. WADANE, J.

DATE : 25th September, 2017

ORDER:

1. Heard.

2. This is an application for condonation of 1433 days delay of caused in filing Appeal against the impugned judgment and award.

3. Mr. Bhokarikar, the learned counsel for the applicants submits that the applicants are financially poor and they were unable to pursue the proceeding due to poverty. Learned AGP opposed the application on the ground that there is inordinate delay in filing the present appeal and it has not been explained satisfactorily. The delay caused in filing the appeals is not accidental and it is an intentional. In the alternate, the learned counsel submits that if the applicants succeed, they shall not be entitled for the amount of interest and/or other statutory benefits for the period for which the delay sought to be condoned.

4. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another**, reported in AIR 2013 SC 3452, the delay can be condoned on the condition that in case the appellants succeed in the first appeal, then they will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

5. Civil application is disposed of.

6. First Appeal be registered. After registration of the Appeal, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1 and 2.

7. Stand over to 06.11.2017.

(K. L. WADANE, J.)

JPC