

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

**CIVIL APPLICATION NO. 2493 OF 2015
IN
FIRST APPEAL STAMP NO. 14831 OF 2014**

Mahadeo Dagdu Kavale

...APPLICANT

versus

The Special Land Acquisition Officer,
MIW Jalna and others

...RESPONDENTS

...
WITH

**CIVIL APPLICATION NO. 2494 OF 2015
IN
FIRST APPEAL STAMP NO. 14862 OF 2014**

Kalyan Bapurao Kavhale

...APPLICANT

versus

The Special Land Acquisition Officer,
MIW Jalna and others

...RESPONDENTS

.....
Mr. P.A. Bhosale, Advocate holding for
Mr. Ajeet B. Kale, Advocate for applicants
Mr. S.R. Yadav, AGP for respondents No. 1 and 2
Mr. S.P. Sonpawale, Advocate for respondent No. 3

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CORAM : K.K. SONAWANE, J.

DATED : 6th SEPTEMBER, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties.
2. Perused the applications. The learned counsel for the applicants-appellants 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 appeals on merit.
3. The learned counsel for acquiring body submits that there is inordinate delay, which has not been explained satisfactorily, therefore the same cannot be condoned.

4. The learned AGP raised objection and submits that application be rejected.

5. In view of the aforesaid submissions and for the reasons mentioned in the applications 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 well as amount of interest 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.

6. In sequel, applications stand allowed. The delay caused to present the appeal 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 appeals on merit.

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

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

[K. K. SONAWANE]
JUDGE