

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 11620 OF 2015
IN FAST/15010/2014

RAOSAHEB DADARAO LATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Kakade Deepak M.
AGP for Respondents: A.M. Phule
...

CORAM : V.K. JADHAV, J.
DATE : 07-03-2017.

P.C. :

1. The learned counsel for the applicant submits that, for the same project under different awards the lands of other agriculturists from the same villages were also acquired by the Government and the Reference Court has awarded the compensation at the enhanced rate, however, those agriculturists preferred the appeal before this Court for further enhancement in the compensation and the said appeals are allowed. The learned counsel submits that, the applicant is prevented from certain cause/s such as, financial constraints, drought situation etc. to prefer appeal within limitation. However, the inaction and/or negligence on the part of the applicant, to some extent, is responsible for causing such inordinate delay. Learned A.G.P. for the respondent-State/authority strongly resisted the application on the ground that the delay has not been explained satisfactorily. In the alternate, he submits that delay may be condoned on the condition that if the applicant

succeed in the appeal, the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay sought to be condoned.

2. In view of above and in the light of observations made by the Supreme Court in para 14 of the judgment, in the case of ***Ramanlal Deochand Shah vs. State of Maharashtra and another, reported in AIR 2013 SC 3452***, civil application for condonation of delay is allowed. Delay in filing the appeal is hereby condoned on the condition that the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay sought to be condoned.

3. Civil application for condonation of delay is accordingly disposed of.

4. In first appeal/s, issue notice to the respondents, returnable on 18.04.2017. Learned A.G.P. waives for respondent nos. 1 and 3. Call for record and proceedings.

(V.K. JADHAV)
JUDGE