

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.7455/2016group

926 CIVIL APPLICATION NO. 7455 OF 2016

IN FAST/14676/2016

WITH

CA/7454/2016 IN FAST/14098/2016

WITH

CA/7456/2016 IN FAST/14503/2016

WITH

CA/7888/2016 IN FAST/14096/2016

WITH

CA/7890/2016 IN FAST/14490/2016

WITH

CA/7891/2016 IN FAST/14496/2016

WITH

CA/8151/2016 IN FAST/15829/2016

WITH

CA/8152/2016 IN FAST/15832/2016

WITH

CA/9108/2016 IN FAST/18348/2016

WITH

CA/12978/2016 IN FAST/15936/2016

WITH

CA/14533/2016 IN FAST/16277/2016

WITH

CA/14534/2016 IN FAST/16275/2016

WITH

CA/14536/2016 IN FAST/14092/2016

WITH

CA/14537/2016 IN FAST/14500/2016

SUBHASH SAGAJI KASARE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr.Devakate Anant R

AGP for Respondent State: Mr. R.B.Bagul.

Mr.A.R.Kale & Mr.S.G.Karlekar, Adv., for R/2.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.7455/2016group

CORAM : P.R. BORA, J.

Dated: July 26, 2017

PER COURT :-

1. Delay of 1904 days has occurred in filing the present appeals by the original claimants in challenging the judgment and order passed by the Reference Court in respective Land Acquisition References.

2. It is contended that the claimants were not fully aware of the awards passed in the said matters and, thereafter, because of financial crunch and consecutive drought in the area, they could not prefer appeals within the stipulated period of limitation.

3. Learned Counsel appearing for the appellants, on instructions submitted that the appellants undertake not to claim interest of the period of delay in the event they succeed in the appeals and, consequently, the amount of compensation is enhanced on the said enhanced amount of compensation.

4. Shri A.R.Kale and Shri S.G.Karlekar, learned Counsel appearing for the acquiring body, opposed the submissions made on behalf of the appellants. Learned Counsel submitted that routine and usual reasons are assigned for condonation of delay

agp/-

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and there is no material to even prima facie support or substantiate the reasons stated by the appellants. Learned Counsel, therefore, prayed for rejecting the applications.

5. I have duly considered the submissions made by the learned Counsel appearing for the respective parties. Shri Deokate, learned Counsel for the appellants, in support of his contention, placed reliance on the judgment of the Honourable Apex Court in the case of Imratlal and others Vs. Land Acquisition Collector and others ((2014) 14 SCC 333). Learned Counsel also relied upon the judgment of the Honourable Apex Court in the case of Dhiraj Sing (Dead) through legal representatives and others Vs. State of Haryana and others (2014 (14) SCC 127).

6. After having considered the submissions and after having perused the observations made by the Honourable Apex Court in the cited judgments, the applications need to be favourably considered. The reasons which are assigned in the applications cannot be outrightly rejected. Moreover, the applicants have undertaken not to claim interest for the period of delay. Considering the facts as aforesaid, I am inclined to allow

agp/-

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the applications. Hence, the following order:

ORDER

1. The applications are allowed. Delay condoned. The appeals be registered in accordance with law. Civil Applications stand disposed of.
2. It is clarified that as undertaken by the applicants, they will not be entitled for the interest of the period of delay in the event they succeed in the appeals and the amount of compensation is enhanced, on the said enhanced amount of compensation. Civil Applications for condonation of delay stand disposed of.
3. Copy of the present order be kept in the papers of respective appeals.

(P.R. BORA, J.)

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