

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

17 CIVIL APPLICATION NO. 16577 OF 2016
IN FAST/19334/2016

GOVINDA LAXMAN DESHPANDE DIED THR LRS SADASHIV
GOVINDRAO DESHPANDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. S.A. Ambilwade, h/f
Mr. Ajeet B. Kale
AGP for Respondents No.1 and 2: Mr. S.P. Sonpawale
Advocate for respondent No. 3: Mr. D.P. Bakshi
...

CORAM : K.K. SONAWANE, J.

DATED : 7th AUGUST, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties.
Perused the application.
2. 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 appeal on merit.
3. In view of the aforesaid submissions and for the reasons mentioned in the applications, 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 by imposing aforesaid fetter of

waiver of statutory benefits on the part of applicants-appellants. The application for condonation of delay deserves to be allowed.

4. In sequel, application stands 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 appeal 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 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 application is allowed in aforesaid terms and stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK