

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

941 CIVIL APPLICATION NO. 1908 OF 2017

IN FAST/21855/2016

BHUJANG SHAVAJI KENDRE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. H.B. Nandagavale
AGP for Respondents – 1,2 : Mr. R. B. Bagul.

WITH

CIVIL APPLICATION NO. 1909 OF 2017 IN FIRST APPEAL ST.NO. 22095 OF 2016
CIVIL APPLICATION NO. 1910 OF 2017 IN FIRST APPEAL ST.NO. 22100 OF 2016
CIVIL APPLICATION NO. 1911 OF 2017 IN FIRST APPEAL ST.NO. 22097 OF 2016

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CORAM : K.K. SONAWANE, J.

DATED : 9th AUGUST, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties. Perused the applications. The learned counsel for the applicants has tender across the bar undertakings of the original claimants in these matters. The same are taken on record and marked as "X" for identification purpose.
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 appeals 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 applications for condonation of delay deserve to be allowed.

4. In sequel, applications stand allowed. The delay caused to present the appeals 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 appeals to enable this Court to take note of the same, while decision of the appeals 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