

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

7 CIVIL APPLICATION NO. 11916 OF 2016
IN FAST/23627/2016

RAMBHAU BAPURAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Deepak M. Kakade
AGP for Respondents No.1, 2 : Mr. R. B. Bagul.
Advocate for Respondent No.3 : Mr. S. P. Sonpawale.

...
WITH
CIVIL APPLICATION NO. 11917 OF 2016 IN FIRST APPEAL ST.NO. 22280 OF 2016
CIVIL APPLICATION NO. 11918 OF 2016 IN FIRST APPEAL ST.NO. 22276 OF 2016
CIVIL APPLICATION NO. 11919 OF 2016 IN FIRST APPEAL ST.NO. 22278 OF 2016
CIVIL APPLICATION NO. 11920 OF 2016 IN FIRST APPEAL ST.NO. 22284 OF 2016
CIVIL APPLICATION NO. 11921 OF 2016 IN FIRST APPEAL ST.NO. 22282 OF 2016
CIVIL APPLICATION NO. 13837 OF 2016 IN FIRST APPEAL ST.NO. 23650 OF 2016
CIVIL APPLICATION NO. 13876 OF 2016 IN FIRST APPEAL ST.NO. 22265 OF 2016
CIVIL APPLICATION NO. 11877 OF 2016 IN FIRST APPEAL ST.NO. 22267 OF 2016

CORAM : K.K. SONAWANE, J.

DATED : 09TH AUGUST, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties.
Perused the applications.
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 stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK