

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

CIVIL APPLICATION NO. 12265 OF 2015  
IN FAST/28066/2015

BHAGWANRAO GANGARAM GITE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Shri Mundhe Subhash V.  
AGP for Respondents: Shri B.V.Virde.

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**CORAM: V.K. JADHAV, J.**  
**DATE :- 07<sup>th</sup> April, 2017.**

Per Court:

1           The learned counsel for the Applicants submits that the Applicants are poor agriculturists and in the month of August, 2015, they received the compensation amount awarded for their acquired land. Thus, the delay has been occurred in filing the appeal. The learned counsel submits that the Applicants are ready to waive the interest and other statutory benefits for the period of delay, which is sought to be condoned.

2           The learned AGP has strongly resisted the application on the ground that the delay has not been properly explained.

3           None appears for the Respondent/ Acquiring Body though they are duly served.

4           The Applicants are aged persons and they are poor agriculturists. Only after receiving the compensation amount for their

acquired land, they approached this Court for enhancement in the compensation as awarded by the Reference Court.

5           In view of this, I am inclined to condone the delay. However, the Applicants are not entitled to claim the interest and statutory benefits for the period of delay, which is sought to be condoned. Order accordingly. The Civil Application is allowed and accordingly, disposed of.

6           Heard in the Appeal. Issue notice to the Respondents in the Appeal, returnable on 19.06.2017. The learned AGP waives service for the Respondent No.1/ State.

7           Call for the record and proceedings.

**(V.K. JADHAV, J.)**