

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

CIVIL APPLICATION NO. 11556 OF 2017

IN

CROSS-OBJECTION ST. NO. 2995 OF 2017

IN

FIRST APPEAL NO. 309 OF 2007

Namdeo Santosh Mankar

..Applicant

VERSUS

Collector, Jalgaon & ors.

...Respondents

...

Advocate for Applicant : Mr.A.B.Kale
Mr. B.A.Shinde, A.G.P. For respondent nos.1 & 2
Mrs. Chaitali Kutti, advocate for the
respondent/acquiring body

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WITH

CIVIL APPLICATION NO. 11557 OF 2017

IN FAST/30014/2017

CIVIL APPLICATION NO. 11558 OF 2017

IN FAST/30008/2017

CIVIL APPLICATION NO. 11564 OF 2017

IN X-OBJST/30005/2017 WITH CA/11565/2017 IN X-

OBJST/29999/2017 WITH CA/11566/2017 IN X-

OBJST/29997/2017 WITH CA/11567/2017 IN X-

OBJST/29993/2017

CIVIL APPLICATION NO. 13642 OF 2015

IN FAST/29458/2015 WITH FA/2690/2015 WITH

FA/2691/2015 WITH FA/2692/2015 WITH

FA/2693/2015 WITH FA/2694/2015 WITH

CA/13641/2015 IN FAST/29464/2015 WITH

CA/13643/2015 IN FAST/29461/2015

CIVIL APPLICATION NO. 11587 OF 2017

IN X-OBJST/30137/2017 WITH CA/11592/2017 IN X-

OBJST/30134/2017 WITH CA/11597/2017 IN X-

OBJST/30167/2017

CIVIL APPLICATION NO. 11588 OF 2017

IN X-OBJST/30122/2017 WITH CA/11589/2017 IN X-
OBJST/30129/2017 WITH CA/11590/2017 IN X-
OBJST/30120/2017
CIVIL APPLICATION NO. 11595 OF 2017
IN X-OBJST/30169/2017
CIVIL APPLICATION NO. 11598 OF 2017
IN X-OBJST/30172/2017 WITH CA/11599/2017 IN X-
OBJST/30174/2017

CORAM : K.L.WADANE, J.

DATED : 8th September, 2017

O R D E R :

1. Heard Mr. Kale, learned counsel for the applicants, learned A.G.P. for respondent Nos. 1 and 2.

2. These are applications for condonation of delay of 3773, 2349, 1958, 3767, 3708, 3619, 3785 days, respectively caused in filing Appeals against the judgment and award passed by the Reference Court.

3. Mr. Kale, the learned counsel for the applicants submits that the applicants are financially poor and due to financial clutches, they could not file the proceeding in time. Learned counsel for the respondents opposed the applications on the ground that there is

inordinate delay in filing the Cross-objections. The delay caused in filing the appeal is not accidental and is intentional.

4. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the applicant succeed in the cross-objections, then they will not be entitled for the amount of interest or monetary benefits and/or other statutory benefits for the period of delay sought to be condoned.

5. In view of the above, the delay caused in filing the cross-objections is hereby condoned.

6. Civil applications are accordingly disposed of.

7. Cross-objections be registered. After registration of the cross-objections, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1 and 2.

8. In first appeals, issue notice to the

respondents, returnable on 6.10.2017.

9. Learned A.G.P. waives service of notice for respondents/State.

10. Call for Record and Proceedings.

11. First Appeals be referred to the Lok Adalat which is scheduled to be held on 9.9.2017.

12. The parties to take note. Learned counsel for the respondents to instruct the respondents to remain present in the Lok Adalat on 9.9.2017.

(K.L.WADANE, J.)

dbm