

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

918 CIVIL APPLICATION NO. 12962 OF 2017
IN FAST/31050/2017

SUMANBAI SITARAM PATIL

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER U.T.P.H.-1,
JALGAON AND ANR

...

Advocate for Applicant : Mr. Kshirsagar Hemraj P.

AGP for the Respondents: Mr. S. M. Ganachari

CORAM : K. L. WADANE, J.

DATE : 7th December, 2017

ORDER:

1. Heard.

2. This is an application for condonation of delay of 4163 days caused in filing the Appeal against the impugned judgment and award.

3. Mr. Kshirsagar, the learned counsel appearing for the applicant submits that the applicant is financially poor and he was unable to pursue the proceeding due to poverty. Learned AGP respondents opposed the application on the ground that there is inordinate delay in filing the present appeals and it has not been explained satisfactorily. The delay caused in filing the appeal is not accidental and it is an intentional. In the alternate, the learned AGP submits that if the applicant succeeds he shall not be entitled for the amount of interest and/or other statutory benefits for the period for which the delay sought to be

condoned.

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 appellant succeeds in the first appeals, then he will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

5. Civil application is accordingly disposed of.

6. In first appeal, the learned counsel for the appellant submits that some the matters arising out of the same award were already referred to the Lok Adalat and they have been confirmed and therefore this appeal also needs to be referred to Lok Adalat.

7. In view of above, refer this matter to the Lok Adalat, which is scheduled to be held on 9th December, 2017.

(K. L. WADANE, J.)

JPC