

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

CIVIL APPLICATION NO. 15305 OF 2016
IN
CIVIL REVISION APPLICATION [STAMP] NO. 31152 OF 2016

Shaikh Kader Shaikh Fakir .. Applicant
versus
The State of Maharashtra, through
Collector, Jalna .. Respondent

Mr. Sudhir K. Chavan, Advocate for applicant
Mr. A. D. Namde, Assistant Government Pleader for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 24th February, 2017

ORDER :

1. Learned counsel for the applicant states that the matter was being prosecuted through husband of the applicant and he was having knowledge about litigation and its progress.
2. While land acquisition reference bearing no. 6 of 1994 had been decided by learned 4th Additional District Judge, Jalna on 02-09-2006, it appears that its' communication had not reached to the applicant. As such, delay of about 3592 days has occurred.
3. Despite there being two adjournments, there is no reply by respondent which in the circumstances particularly having regard to contents of the application in paragraphs no. 3, 4, 5, 6 and 7 and further to that the veracity of the same not being controverted, it would be expedient to condone the delay having regard to the guidelines as would be appearing in the decision of the supreme

court in the case of *Collector, Land Acquisition, Anantnag vs. Mst. Katiji and ors*, reported in *AIR 1987 SC 1353*.

4. Learned counsel for applicant, on instructions, graciously states that the applicant would waive and give up interest for the period from the date of decision in land acquisition reference i.e. 02-09-2006 to the date of lodging present application i.e. 02-10-2016.

5. In view of aforesaid civil application stands granted in terms of prayer clause (B) on the condition that the applicant would not claim and would waive and give up interest for the period from the date of decision in land acquisition reference i.e. 02-09-2006 to the date of lodging present application i.e. 02-10-2016.

6. Learned counsel for the applicant further states that he would apprise the court of this order and would particularly refer to that the interest for the period referred to in this order as above would be waived and would not be claimed by applicant.

SUNIL P. DESHMUKH,
JUDGE

pnd