

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

929 CIVIL APPLICATION NO. 61 OF 2017
IN
FIRST APPEAL ST NO. 31258 OF 2016

Pralhad Sandu Magar

.. Applicant

Versus

The State of Maharashtra and Anr

.. Respondents

...

Advocate for the applicant : Mr N.J. Pahune Patil
AGP for the respondent no.1 / State : Mr. S.N. Ganachari

....

WITH
930 CIVIL APPLICATION NO. 198 OF 2017
IN
FIRST APPEAL ST. NO. 31256 OF 2016

...

CORAM: PR. BORA, J.
DATE : 29TH JUNE, 2017.

Per Court :

. The learned Counsel appearing for the applicant submitted that, in companion matters this Court, vide order passed on 30.09.2016, has condoned the delay. The learned Counsel has placed on record the copy of the said order passed in Civil Application No.12717/2016 in First Appeal St. No.25803/2016. The learned Counsel submits that, since the present matters are arising out of the same acquisition proceedings and the delay of similar period occurred in filing the present appeal, had occurred in the said matters, on the similar lines

the civil applications may also be allowed.

2. The learned AGP does not dispute the correctness of the facts stated by the learned Counsel for the applicant. I, therefore, see no reason to take any contrary view. For the reasons recorded by allowing the Civil Application No.12628/2016, the applications in present two matters also stand allowed on the similar terms. Hence, the following order.

O R D E R

- i) The delay in respective matters is condoned. The appeals be registered in accordance with law.
- ii) It is clarified that in the event the appeals filed by the present applicants are allowed and consequently the amount of compensation is enhanced, the claimants will not be entitled for the statutory benefits and interest for the period of delay.
- iii) The respective applications for condonation of delay are disposed of.
- iv) A copy of this order be placed in the papers of appeals;
- v) After registration of the appeals, issue notices to the respondents, returnable after four weeks. Learned AGP waives service of notice for respondent No.1 /State in both the matters.

[P.R. BORA , J.]