

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

CIVIL APPLICATION NO. 14875 OF 2016
IN
CIVIL REVISION APPLICATION [STAMP] NO. 33320 OF 2016

Zubedabai Shaikh Kader .. 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 refers to contents of paragraphs no. 3 and 4 of civil application and submits that delay has occurred under the circumstances referred to therein. He further submits, reasons are true and genuine. Delay has not been caused intentionally or deliberately. No benefit is derived from the same and applicant does not intend to take any disadvantage from the same.

2. While land acquisition reference bearing no. 7 of 1994 had been decided by learned 4th Additional District Judge, Jalna on 17-04-2006, it appears that its' communication had not reached to the applicant. It further appears that learned counsel who had been appearing for applicant in the land acquisition reference proceedings is no more. As such, delay of about 3750 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, states that the applicant would waive and give up interest for the period from the date of decision in land acquisition reference i.e. 17-04-2006 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. 17-04-2006 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 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