

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

**CIVIL APPLICATION NO. 1915 OF 2017
IN
FIRST APPEAL STAMP NO. 33394 OF 2016**

Daulatrao Krishnaji Kavhale Died
Through Lrs. Rakishan & another

...APPLICANTS

versus

The State of Maharashtra and others

...RESPONDENTS

.....

Mr. Kailas B. Jadhav, Advocate for applicants
Mr. C.V. Dharukar, AGP for respondents No. 1 and 2
Mr. S.G. Bhalerao Advocate for respondent No. 3

.....

CORAM : K.K. SONAWANE, J.

DATED : 10th AUGUST, 2017.

Order :-

1. Heard the learned counsel appearing for both the parties.
Perused the applications.
2. The learned counsel for the applicants-appellants submits that the applicants -appellants will not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894, for the period of delay sought to be condoned, in case of success of appeals on merit.
3. In view of the aforesaid submissions and for the reasons mentioned in the application that the applicants are rustic and illiterate persons having no knowledge about the legal procedure as well as they had an financial crisis, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate the grievances before the Appellate Forum. There is no impediment to

condone the delay. There is sufficient cause to allow the applications for condonation of delay. In addition, the applicants/claimants have shown their willingness/inclination that they will not claim statutory benefits as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits on the part of applicants-appellants, there would not be any impediment to condone the delay. The application for condonation of delay deserves to be allowed.

4. In sequel, applications stand allowed. The delay caused to present the appeals against the impugned Award stands condoned subject to condition that applicants-appellants shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this Court after adjudication of appeal on merit.

5. Pursuant to aforesaid waiver of statutory claim, the applicants-appellants shall furnish undertaking to that effect and place it on record of the appeals to enable this Court to take note of the same, while decision of the appeals on merit. Registry to take requisite steps for further process.

6. The civil application is allowed in aforesaid terms and stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK