

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

27 CIVIL APPLICATION NO. 256 OF 2017
IN FAST/33398/2016 WITH CA/257/2017 IN FAST/33401/2016

BABASAHEB TULSHIRAM LATE DIED LRS SARUBAI AND ORS
VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Kailas B. Jadhav
AGP for Respondents No.1 and 2 : Mr. S.P. Sonpawale
Advocate for respondent No. 3: Mr. S.C. Arora

CORAM : K.K. SONAWANE, J.

DATED : 7th 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 applications, 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 by imposing aforesaid fetter of waiver of statutory benefits on the part of applicants-appellants. The applications for condonation of delay deserve 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 applications are allowed in aforesaid terms and stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK