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

**CIVIL APPLICATION NO. 2569 OF 2015**  
**IN**  
**FIRST APPEAL STAMP NO.472 OF 2015**

Jaysing Daji Adsul

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

**WITH**  
**CIVIL APPLICATION NO. 2393 OF 2015**  
**IN**  
**FIRST APPEAL STAMP NO.474 OF 2015**

**WITH**  
**CIVIL APPLICATION NO. 2570 OF 2015**  
**IN**  
**FIRST APPEAL STAMP NO.478 OF 2015**

**WITH**  
**CIVIL APPLICATION NO. 2571 OF 2015**  
**IN**  
**FIRST APPEAL STAMP NO.476 OF 2015**

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Mr. Mete V. G., Advocate for the applicant

Mr. B. V. Virdhe, AGP for respondent - State

Mr. H. C. Puse h/f Mr. R. R. Imale, Advocate for respondent No.2

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**[CORAM : SUNIL P. DESHMUKH, J.]****DATE : 13<sup>th</sup> APRIL, 2018****ORDER :**

1. Heard learned advocates for the parties.
2. These are applications for condonation of delay. The delay

is being accounted for on various counts. In the first place, the applicants are small agriculturists and acquisition of their lands had hit them severely pushing them to poverty and the families had been facing starvation. Although the land acquisition reference applications had been filed, the proceedings have lingered on for quite some time and prosecution had become difficult and was hindered on account of aforesaid. In addition to aforesaid, the applicants had very little, literacy level and comprehension about legal proceedings. Decision in the land acquisition reference applications had missed out under penurious economic circumstances and had not been known to the applicants for quite some time. In an attempt of follow up action on little let up from aforesaid, it was found that the decision had been given some years before. In the circumstances, there has been delay in approaching this court in first appeals. The delay is neither deliberate nor intentional and has been caused in aforesaid circumstances. Learned advocate, on instructions, states that the applicants do not intend to take undue benefit of delay and would not claim interest for delayed period.

3. Learned advocates for respondents although submit that it may not be said that the delay has been properly explained, yet

regard may be had to that veracity of the reasons could not be challenged on any material ground.

4. In the circumstances, having regard to submissions on behalf of the applicants and also the taking into account the guidelines of supreme court in the case of *Collector, Land Acquisition, Anantnag V/s. Ms. Katiji and others* reported in *AIR 1987 SC 1353*, as also, in the case of *Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy and others* reported in *(2013) 12 Supreme Court Cases 649*, and “*Dhiraj Singh (D) Tr. V/s Haryana State*” reported in *MANU/SC/0778/2014* it would be expedient to allow the applications, subject to furnishing undertakings by the applicants that they would not claim interest for the delayed period.

5. As such, delay is condoned, necessary undertakings to aforesaid effect be filed in this court by the applicants within a period of four weeks from today. Civil applications accordingly stand disposed of.

**[SUNIL P. DESHMUKH, J.]**