

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

**38 CIVIL APPLICATION NO. 9785 OF 2017
IN FAST/275/2014 WITH CA/9786/2017 IN FAST/676/2014
WITH CA/9787/2017 IN FAST/672/2014**

**BABURAO MAHADEO CHAVAL AND ANOTHER
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER M.I.W., JALNA
AND OTHERS**

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Advocate for Applicants : Mr Kale B Ajeet
AGP for Respondent/State : Mr. A.M. Phule

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**CORAM : P.R. BORA, J.
DATED : 18th SEPTEMBER, 2018.**

PER COURT:-

. Heard Shri A.B. Kale, the learned counsel appearing for the applicants and Shri A.M. Phule, the learned AGP appearing for State.

2. The acquiring body though has been duly served, no one has entered appearance on its behalf. The delay of 2070 and 2107 days has occurred in filing the present appeals by the claimants. The learned counsel pointed out that in the companion appeals arising out of the same acquisition, this Court (Coram: A.M. Dhavale, J.) vide order passed on 10.08.2018 in Civil Application No. 8413 of 2017 in First Appeal

(Stamp) No.12774 of 2017 with connected matters has condoned the delay of the period more than 3000 days. The learned counsel submitted that in the present matter also the applicants have submitted undertakings not to claim the interest of the period of delay in the event of their success in appeals.

3. The learned AGP has opposed for condoning the delay of such a huge period stating that the same has not been appropriately explained. However, he has not disputed the fact that on 10.08.2018 in some connected matters, this Court had condoned the delay. In view of the submissions so made and more particularly, having regard to the order passed by this Court on 10.08.2018 in the companion matters, I deem it appropriate to adopt the same course. Hence, the following order:

ORDER

- i) Civil Applications are allowed.
- ii) The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law.
- iii) After registration of the appeals, issue notice to the respondents, returnable on

(3)

29.09.2018. The learned AGP waives notice for respondent nos. 1 and 2. The appellants to serve the acquiring body.

iv) It is clarified that the applicants shall not be entitled for statutory benefits or the interest for the period of delay on the enhanced amount of compensation if, the amount is so enhanced in the appeals filed by the applicants. The copy of the present order be kept along with the papers of the appeals.

v) All Civil Applications stand disposed of.

(P.R. BORA, J.)

Mujaheed//