

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

CIVIL APPLICATION NO. 2747 OF 2018
IN
FIRST APPEAL [STAMP] NO. 3137 OF 2018

Subhash Tejrao Aher and others ... Applicants

versus

The State of Maharashtra and anr. ... Respondents

WITH CIVIL APPLN. NO. 2751 OF 2018 IN FAST 3126 OF 2018
WITH CIVIL APPLN. NO. 2749 OF 2018 IN FAST 3133 OF 2018
WITH CIVIL APPLN. NO. 2748 OF 2018 IN FAST 3135 OF 2018
WITH CIVIL APPLN. NO. 2754 OF 2018 IN FAST 3139 OF 2018
WITH CIVIL APPLN. NO. 2750 OF 2018 IN FAST 3141 OF 2018
WITH CIVIL APPLN. NO. 2752 OF 2018 IN FAST 3143 OF 2018
WITH CIVIL APPLN. NO. 2753 OF 2018 IN FAST 3145 OF 2018

Mr. Nandkishor J. Pahune Patil, Advocate for applicants
Mr. B. V. Virdhe Assistant Govt. Pleader for respondent no.1
Mr. S. D. Dhongde, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

ORDER :

1. These are applications for condonation of delay in filing first appeals. It is referred to that applicants are age old persons, acquired land was the only source for their livelihood and that family has been facing very acute earning problem and daily livelihood had become difficult. As such they could not make timely approach to the advocate In the circumstances, delay has occurred.

2. Learned counsel for the applicants submits that applicants would waive interest for the delayed period as they do not intend to take undue advantage of delay caused.

3. Learned counsel refers to decisions of the supreme court in the cases of *Collector, Land Acquisition, Anantnag vs. Mst. Katiji*, reported in 1987 SC 1353, and *Dhiraj Singh (dead) through legal representatives and others vs. State of Haryana and others*, reported in (2014) 14 SCC 127. In view of the same, he urges for condonation of delay.

4. Learned counsel for acquiring body and learned Assistant Government Pleader resist, however, delay being not intentional or deliberate is not in serious dispute and the circumstances faced by the claimant are also not in dispute.

5. In the circumstances, having regard to decisions referred to above and quite a few orders passed by high court condoning delay, it would be expedient to grant application for condonation of delay subject to applicants filing undertaking before this court within a period of three weeks from today that they would not claim any interest over the compensation, if enhanced, for delayed period.

6. Applications are allowed. Delay stands condoned.

pnd

SUNIL P. DESHMUKH,
JUDGE