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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2740 OF 2016
IN
FIRST APPEAL STAMP NO.4851 OF 2016

Keshav Ramrao Marade (Died) Through LRs

APPLICANTS

VERSUS

The State of Maharashtra

RESPONDENTS

WITH
CIVIL APPLICATION NO. 2741 OF 2016
IN
FIRST APPEAL STAMP NO.5007 OF 2016

Eknath Ramrao Marade (Died) Through LRs

APPLICANTS

VERSUS

The State of Maharashtra

RESPONDENTS

.....
Mr. Rajendra G. Hange, Advocate for the applicants
Mr. A. M. Phule, AGP for respondent - State
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 12th MARCH, 2018

ORDER :

1. Heard learned advocates for the parties.
2. No reply / affidavit in reply has been filed on behalf of the respondent.

3 Under order dated 17th January, 2018, following observation appears-

"Despite sufficient opportunity to the respondent, neither any response is received nor reply came to be filed to traverse the contention propounded on behalf of applicant for application for condonation of delay"

and the matter has been adjourned for hearing on merits to this date.

4. Learned advocate for the applicants submits that land acquisition references of poor persons had lingered on from 1994 over ten (10) years. Learned advocate submits that unremitting attention and the vigour with which they had been following earlier on land acquisition references lodged in 1994 had got slackened with the passage of time. They were working as labourers. Before 2005 the applicants had moved out of their villages for livelihood. He submits that the applicants are rustic villagers having no knowledge of legal procedure and they were out of station for quite a while. They had not been aware of that the decision had been rendered in 2005 in respect of their references. They have been living under a continual economic crisis condition. While they returned to their village in 2016, they

became aware of that land acquisition references filed along with their references had been decided and claimants had preferred first appeals before this court bearing first appeal No. 3397 of 2008 (Uttam Sahebrao Marade V/s State of Maharashtra) along with other appeals. On enquiry it had been realized that their land acquisition references were disposed of in 2005. As such, thereafter, they had moved appeals after collecting documents, required for filing appeals and in the circumstances, delay has been caused. The same is neither intentional nor deliberate nor do they want to take undue advantage of making delayed approach to this court and as such, learned advocate, on instructions, states that the applicants will not claim any interest for delayed period and would file an undertaking to that effect. Learned advocate submits that aforesaid first appeals, during this period, after filing of present applications for condonation of delay, have been allowed.

5. As observed above, the contents of the applications go uncontroverted. Veracity of reasons causing delay has not been refuted. Reasons underlying applications may have to be considered to subserve cause of suffering people. Additionally, applicants - claimants willingly have shown their *bona fides*, and have undertaken to give up claim over interest for the delayed

period. In the circumstances delay is condoned, subject of course on the condition of filing undertaking in the first appeals to the aforesaid effect within a period of six weeks from today.

6. Civil applications, as such, are allowed to aforesaid extent and stand disposed of.

[SUNIL P. DESHMUKH, J.]