

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

926 CIVIL APPLICATION NO. 4300 OF 2017
IN FAST/5455/2017
WITH CA/4301/2017 IN FAST/5752/2017
WITH CA/4302/2017 IN FAST/5744/2017
WITH CA/4303/2017 IN FAST/5748/2017
WITH CA/4304/2017 IN FAST/5756/2017
WITH CA/4305/2017 IN FAST/5742/2017

SHIVAJI GANPATRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Sontakke Gajanan K. And
Mrs P.G.Sontakke

AGP for Respondents 1 and 2 : Mr. S.P.Deshmukh

Advocates for Respondent no.3 :

in CA 4300/17 Mr. N.B.Patil
in CA 4301/17 Mr. A.M.Gaikwad
in CA 4302/17 Mr. R.C.Patil
in CA 4304/17 Mr. M.C.Swami
in CA 4305/17 Mr. S.G.Karlekar

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CORAM : SUNIL K. KOTWAL, J.

DATE : SEPTEMBER 25, 2018

O R D E R :

The appellants are original claimants and have filed these applications for condonation of 1257 days delay in filing the above said appeals.

2. Learned counsel for applicants submits that till today compensation amount is not deposited by the

acquiring body, and therefore, due to financial crises, appellants could not file appeals within time.

3. Learned counsel for respondent no.3 opposes application on the ground that no reasonable cause has been assigned by the applicants to condone the delay.

4. Learned AGP for respondent nos. 1 and 2 also opposes the applications.

5. The applicants are poor agriculturists, and therefore, if compensation amount is not deposited by the acquiring body, the difficulty of financial crises is certainly reasonable. I hold that, for the reasons stated in the application, these applications deserve to be allowed.

6. Accordingly, Civil Applications are allowed. Delay of 1257 days caused in filing appeals is condoned. Appellants to file written undertaking in the First Appeal that they waive interest and statutory benefits for the period of delay.

7. Civil Applications are disposed of.
8. First Appeals be registered.
9. Issue notice to the respondents. Learned AGP waives service of notice for respondent nos. 1 and 2. Learned counsel in respective appeal waives service of notice for acquiring body.
10. Call for R. and P.
11. S.O. to 19.11.2018.

[SUNIL K. KOTWAL, J.]

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