

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

**932 CIVIL APPLICATION NO. 1078 OF 2018
IN FAST/9548/2014
WITH
CA/1079/2018 IN FAST/9910/2014**

**BHAGWAT GOVINDA MAHAJAN (DIED) THRO. L.RS. MINABAI
BHAGWAT MAHAJAN AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, JALGAON AND
ANOTHER**

...
Advocate for Applicants : Shri Ajeet B. Kale
AGP for Respondent No.1 – State : Shri P.G.Borade
Advocate for Respondent No.2 : Smt.Chaitali Kutti
...

CORAM : P.R. BORA, J.

Date: August 28, 2018
...

PER COURT :-

1 Heard Shri A.B.Kale, learned Counsel appearing for the applicants and learned Counsel Smt.Chaitali Kutti appearing for respondent No.2 i.e. Acquiring Body.

2 Delay of 1451 days and 1438 days has occurred in filing the respective appeals by the original claimants. The learned Counsel appearing for the applicants submitted that in the connected matters, the delay of similar period has already been condoned by this Court. The learned Counsel submitted that in the said matters, the Court has condoned the delay subject to

filing of an undertaking by the claimants that they will not claim interest of the period of delay in the event of their success in the appeals. The learned Counsel submitted that the present applicants are ready to file similar undertaking.

3 Smt.Chaitali Kutti, learned Counsel appearing for respondent No.2/Acquiring Body has opposed for condoning the delay, however, she did not dispute that in connected matters, the delay has been condoned subject to submitting undertaking mentioned as above.

4 In view of the submissions made by the learned Counsel for the parties, the following order is passed:-

ORDER

I) Delay caused in filing the appeals is condoned.

II) It is clarified that the applicants will not be entitled for the interest of the period of delay in the event of their success in the appeals. The applicants are directed to file an undertaking in that regard within four weeks from the date of this order.

III) A copy of the undertaking as well as the present order be placed on record in the papers of the appeals.

IV) Civil applications stand disposed of.

V) Appeals be registered in accordance with law. After registration of the appeals, issue notice to the respondents.

VI) Shri P.G.Borade, learned AGP waives service of notice for respondent No.1.

VII) Smt.Chaitali Kutti, learned Counsel waives service of notice for respondent No.2.

VIII) Service complete.

IX) List both these appeals for admission on 09.10.2018.

(P.R.BORA)
JUDGE

SPT