

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8569 OF 2017  
IN FAST/14451/2017

NILAWATI ANNASAHEB KAVALE AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...  
Mr. K.B. Jadhav, Advocate for applicants  
Mr. B.V. Virdhe, AGP for respondents 1 and 2  
Smt. Sunita D. Shelke, Advocate for respondent no.3  
...

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 03-04-2018

ORDER :

1. Heard learned counsel for the applicants, learned counsel for respondent no.3 - acquiring body and learned AGP for respondents no.1 and 2.

2. Learned counsel for applicants states that delay of similar magnitude, caused on account of reasons which are substantially similar to the ones involved in present matter have been condoned by this court, under order dated 15-02-2018 passed in civil application no. 2029 of 2017 in first appeal (st.) no. 32141 of 2016 and other companion applications and appeals. He, therefore, submits that present application also deserves similar treatment.

3. Learned counsel for the appellant submits that the applicants undertake not to take undue benefit of delay occurred in filing proceedings before this court and would also file an undertaking accordingly before this court.

4. Learned counsel for respondents though purport to resist, are not in a position to overcome the aforesaid submission that for similar reasons, delay of similar magnitude has been condoned under the aforesaid two orders.

5. Learned counsel for the appearing parties also further refer to that the matters in which delay has been condoned under aforesaid two orders, were concerning lands from the same village as the one involved in the present matter. It is further being submitted that the two sets of first appeals have also been disposed of under even dated orders respectively.

6. In the circumstances, it appears to be expedient the reasons underlying present application for condonation of delay should receive its due and should be given similar treatment. As such, delay is condoned. Civil Application is disposed of.

[SUNIL P. DESHMUKH]  
JUDGE

arp/