

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

**CIVIL APPLICATION NO. 9806 OF 2017
IN
FIRST APPEAL (STAMP) NO. 14455 OF 2017**

Babasaheb Narayan Gore (Died)
Through L.Rs
Vaijinath s/o Babasaheb Gore(Died)
Through L.Rs.

- 1/1 Shamal w/o Vaijinathn Gore
Age : 32 years, Occu. Agril.,
R/o Deola, Tq. Partur,
Dist. Jalna,
 - 1/2 Vaibhav s/o Vaijinathn Gore,
Age : 9 years, Minor Under Gardens of his real
Mother, Shamal i.e. Appellant no. 1/1
Occu. Education,
As above.
 - 1/3 Yogesh s/o Vaijinathn Gore,
Age : 7 years, Minor Under Gardens of his real
Mother, Shamal i.e. Appellant no. 1/1
Occu. Education,
As above.
 2. Kushawartabai w/o Babasaheb Gore,
Age : 60 years, Occu. Nil
R/o As above
- ... Applicants

VERSUS

1. The State of Maharashtra
through Collector, Jalna.
 2. The Special Land Acquisition Officer
M.I.W. Jalna, Dist. Jalna.
 3. The Executive Engineer,
Nimna Dudhna Project Selu,
Dist. Parbhani,
At present Office shifted to Motibag,
Jalna, Dist. Jalna
- ... Respondents

...
Mr. Kailas B. Jadhav, Advocate for applicants.
Mr. S. P. Deshmukh, AGP for respondents No. 1 and 2.
...

CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th MARCH, 2018.

Order :-

1. In the present matter delay of 2695 days has been caused in filing the appeal by the claimants. Shri Jadhav, learned counsel appearing for the applicants, submitted that in companion matters, hon'ble learned single judge of court has condoned the delay of similar period vide order passed on 4th August, 2017. Learned counsel has tendered across the bar copy of the said order passed in civil application no. 11899 of 2016 with connected matters.

2. Learned A.G.P. does not dispute factual position referred to by the learned counsel for the applicants and, therefore, submits appropriate orders be passed.

3. Learned counsel submits that the applicants in the present application also undertake not to claim any interest of the period of delay in the event the appeal is allowed and the amount of compensation is enhanced, on the enhanced amount of compensation. Learned counsel submits that such an undertaking was submitted in decided matters also and this court has

accepted the contention of the applicants therein and has condoned the delay. Learned A.G.P. submits that in view of the earlier order passed by this court, appropriate orders may be passed. In view of the submission so made, following order is passed:

ORDER

1. Delay caused in filing the application is condoned.
2. It is clarified that as undertaken by the applicants, the applicants will not be entitled for the interest for the period of delay on the enhanced amount of compensation in the event they succeed in the appeal. The appeal be registered in accordance with law. Civil application for condonation of delay stands disposed of.
3. The appeal be immediately listed for final disposal.

sd/-

**[SUNIL P. DESHMUKH]
JUDGE**

MTK.