

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**946 CIVIL APPLICATION NO. 1209 OF 2018
IN FAST/18954/2016 WITH CA/1210/2018 IN
FAST/18950/2016 WITH CA/1212/2018 IN FAST/18948/2016
WITH CA/1215/2018 IN FAST/18952/2016**

THAKUBAI BAPURAO GHADHGE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

...
Advocate for Applicants : Shri Shirsath
AGP for Respondent - State : Shri A.M.Phule
Advocate for Respondent No.2 : Shri Shrirang S.Dande
...

CORAM : P.R.BORA, J.

DATE: 21st August, 2018

PER COURT:-

1 Heard Shri Shirsat, learned Counsel appearing for the applicants, Shri S.S.Dande, learned Counsel appearing for the Acquiring Body and Shri A.M.Phule, learned AGP appearing for the State.

2 Delay of 1418 days has occurred in filing these Appeals by the original claimants. Learned Counsel for the applicants inviting my attention to Paragraph No.2 of the applications submitted that present claimants, who are agriculturists residing in rural areas were not informed about the Order passed by the Reference Court in the

Reference under Section 34 of the Maharashtra Industrial Development Act. The learned Counsel submits that the moment the applicants came to know about passing of the Order, with all promptness they have preferred the present Appeals. Learned Counsel submits that in the applications itself, the applicants have undertaken not to claim any interest of the period of delay.

3 Shri S.S.Dande, learned Counsel appearing for the Acquiring Body i.e. Maharashtra Industrial Development Corporation and Shri A.M.Phule, learned AGP appearing for the State have opposed for condoning the delay stating that the huge delay committed by the applicants is not sufficiently explained.

4 After having considered the submissions of the learned Counsel for the parties, it appears to me that in view of the undertaking given in the applications itself by the applicants that they will not claim interest of the period of delay, the applicants need to be given opportunity to prosecute their matters on the merits. Hence, the following order is passed:

ORDER

I) Delay caused in filing the Appeals is condoned.

II) It is clarified that if the applicants succeed in the present Appeals, they will not be entitled to the interest of the period of delay on the enhanced amount of compensation.

III) Appeals be registered in accordance with law. On registration of the Appeals, issue notice to the respondents.

IV) Shri A.M.Phule, learned AGP waives notice for respondent No.1 and Shri S.S.Dande, learned Counsel waives notice for respondent No.2.

V) Service complete.

VI) List the First Appeals for further consideration on 03.10.2018.

VII) Copy of the present Order be placed in the Appeal proceedings.

(P.R.BORA)
JUDGE

SPT