

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

**918 CIVIL APPLICATION NO.10544 OF 2018
IN FAST/18659/2018 WITH CA/10545/2018 IN
FAST/18645/2018 WITH CA/10546/2018 IN
FAST/18639/2018 WITH CA/10547/2018 IN
FAST/18655/2018 WITH CA/10548/2018 IN
FAST/18652/2018 WITH CA/10549/2018 IN
FAST/18642/2018**

JANKIRAM SITARAM PATIL

..Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ORS

..Respondents

...

Advocate for Applicant : Shri A.B. Kale;
AGP for Respondents No.1 & 2 : Shri A.M. Phule;
Advocate for Respondent No.3 : Smt. Chaitali Kutti.

...

CORAM : P.R. BORA, J.

Dated: August 30, 2018

PER COURT :

1. Heard Shri A.B. Kale, the learned Counsel appearing for the applicants, Shri A.M. Phule, learned AGP appearing for respondents no.1 and 2 and Smt Kutti, the learned Counsel appearing for respondent no.3 - Acquiring Body.

2. Delay for the period ranging between 3041 to 3121 days has occurred in filing the present appeals by the original claimants seeking enhancement in the amount of compensation. Shri. Kale, the learned Counsel appearing for the applicants -

claimants submitted that, in the companion appeals, delay of similar period was condoned by this Court and the said matters have been ultimately settled in the Lok Adalat. The learned Counsel, therefore, prayed for condoning the delay in the present matters also.

3. The learned Counsel pointed out that, the applicants have already furnished their undertaking to the effect that, in the event of their success in appeal, they will not claim any interest under Section 28 of the Land Acquisition Act on the enhanced amount of compensation.

4. Learned Counsel Smt Kutti and learned AGP Shri Phule have opposed for condoning the delay stating that, the reasons as assigned are insufficient to condone the delay.

5. I have considered the submissions made by the learned Counsel appearing for the parties. Though the learned Counsel for the Acquiring Body and learned AGP for the State have opposed for condoning the delay, they have not denied that, in the companion matters the delay of similar period was condoned and the further fact that, the said matters were settled

in the Lok Adalat.

6. In view of the submissions so made, I am inclined to pass the following order.

ORDER

(i) The Civil Applications are allowed.

(ii) The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. It is clarified that, as undertaken by the applicants, they shall not be entitled for the interest on the enhanced amount of compensation for the period of delay in the event the amount of compensation is enhanced. Civil Applications stand disposed of.

(iii) On registration of the appeals, issue notice to the respondents. Learned AGP waives service of notice for respondents no.1 and 2 and learned Counsel Smt. Kutti waives service of notice for respondent no.3. Service complete.

(iv) As jointly submitted by the learned Counsel appearing for the parties, the appeals be referred to the Lok Adalat to be held on 08.09.2018 for amicable settlement.

(PR. BORA, J.)