

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12926 OF 2015
IN FAST/21597/2015

(DELAY)

RAJU BAHIRNATH DHAGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CA/12927/2015 IN FAST/21602/2015

(DELAY)

BABASAHEB VITHOBA DUSUNGE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CA/12928/2015 IN FAST/21502/2015

(DELAY)

ARJUN NANA DHAGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CA/12929/2015 IN FAST/21605/2015

(DELAY)

DATTATRAYA RAMBHAU MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CA/12930/2015 IN FAST/23138/2015

(DELAY)

DHONDIBA DAULAT MHASKE DIED THROUGH
LRS. DAULAT DHONDIBA MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Manoj R. Khutwad, Advocate for applicants in all CAs
Mr. S.P. Deshmukh, AGP for respondent-State

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 20-03-2018

ORDER :

1. Heard learned counsel for the applicants.
2. He refers to that first appeals at the instance of acquiring body have been delayed ones and in those matters, delay has been condoned. He submits that the delay has occurred on account of variety of reasons. Primarily, applicants were deprived of the benefit of immediate receipt of enhanced amount, enabling them to file appeals. The same could be realized partially only in 2015 while they were allowed to withdraw the amount deposited in first appeals filed by acquiring body. First appeals by applicants thereafter have been immediately filed. He further submits that applicants are illiterate agriculturists and were unaware of how to go about the matters in absence of wherewithals to prefer appeals. He submits that there is no intentional or deliberate delay. Delay in the circumstances, is caused.
3. He submits that claimants' claim is *bonafide* and they do not want any undue advantage to be taken for making approach belatedly. He points out that undertaking to the effect that the

applicants/appellants would not claim any interest over the delayed period, has already been filed in the proceedings.

4. All these reasons go un-controverted.

5. In the circumstances, having regard to decisions of supreme court in the case of *Dhiraj Singh (D) Tr. Vs. Haryana State* reported in *MANU/SC/0778/2014 : (2014) 14 SCC 127*, and in the case of *Collector, Land Acquisition, Anantnag and anr. Vs. Mst. Katiji & ors.* reported in *1987 SC AIR 1353*, it appears to be expedient to allow the applications, subject to the undertaking that applicants shall not claim interest for the delayed period.

6. As such, civil applications are allowed in terms of prayer clause (B) and are disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

arp/