

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

**919 CIVIL APPLICATION NO.10553 OF 2018
IN FAST/19678/2018 WITH CA/10554/2018 IN
FAST/21919/2018 WITH CA/10556/2018 IN
FAST/19682/2018 WITH CA/10557/2018 IN
FAST/19680/2018 WITH CA/10558/2018 IN
FAST/19724/2018 WITH CA/10559/2018 IN
FAST/19722/2018 WITH CA/10560/2018 IN
FAST/19719/2018 WITH CA/10561/2018 IN
FAST/19649/2018 WITH CA/10563/2018 IN
FAST/19544/2018 WITH CA/10564/2018 IN
FAST/19556/2018 WITH CA/10565/2018 IN
FAST/19551/2018 WITH CA/10567/2018 IN
FAST/22287/2018 WITH CA/10568/2018 IN
FAST/21432/2018 WITH CA/10569/2018 IN
FAST/21603/2018 WITH CA/10570/2018 IN
FAST/19684/2018 WITH CA/10571/2018 IN
FAST/19549/2018 WITH CA/10572/2018 IN
FAST/20711/2018 WITH CA/10573/2018 IN
FAST/19553/2018 WITH CA/10574/2018 IN
FAST/20691/2018 WITH CA/10575/2018 IN
FAST/20704/2018 WITH CA/10576/2018 IN
FAST/19686/2018 WITH CA/10577/2018 IN
FAST/19654/2018 WITH CA/10578/2018 IN
FAST/19620/2018 WITH CA/10579/2018 IN
FAST/19610/2018 WITH CA/10580/2018 IN
FAST/19606/2018 WITH CA/10581/2018 IN
FAST/19604/2018 WITH CA/10582/2018 IN
FAST/19564/2018 WITH CA/10583/2018 IN
FAST/19560/2018 WITH CA/10584/2018 IN
FAST/21605/2018 WITH CA/10585/2018 IN
FAST/19688/2018**

RAJENDRA CHUNNILAL PATIL

.. Applicant

VERSUS

**THE SPECIAL LAND ACQUISITION OFFICER - 2,
U.T.P, JALGAON AND ANR**

..Respondents

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Shri A.B. Kale, Advocate for Applicant;
Ms. S.S. Raut, AGP for respondent No.1;
Smt Chaitali Kutti, Advocate for Respondent No.2.

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CORAM : P.R. BORA, J.

Dated: August 30, 2018

PER COURT :-

1. Heard Shri Kale, the learned Counsel appearing for the applicants, Smt. Kutti, learned Counsel appearing for the Acquiring Body and Ms. S.S. Raut, the learned AGP appearing for the State.

2. Delay for the period ranging between 343 to 1756 days has occurred in filing the present appeals by the original claimants. The learned Counsel for the applicants submitted that, because of the financial difficulties and unawareness as about the period of limitation for filing the appeals, the delay has occasioned in filing the appeals. The learned Counsel further submitted that, the delay caused is unintentional and for *bonafide* reasons. The learned Counsel further pointed out that, in all these matters the applicants have filed their undertaking to the effect that, they will not be claiming any interest under Section 28 of the Act, if the amount of compensation is enhanced in the present appeals. The learned Counsel,

therefore, prayed for allowing the applications and to give an opportunity to the applicants to prosecute their appeals on merits.

3. Learned Counsel, Smt Kutti and learned AGP Ms. Raut have opposed for condoning the delay stating that, delay of huge period has not been appropriately explained by the claimants.

4. I have duly considered the submissions made by the learned Counsel appearing for the respective parties. In view of the observations made by the Hon'ble Apex Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, AIR 2013 SC 3452**, the delay can be condoned on the condition that, in case the appellants succeed in the First Appeals, then they will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay.

5. Having regard to the fact that, the applicants have submitted an undertaking to give up their right for claiming interest for the period of delay, I am inclined to condone the

delay, so that, the applicants may get an opportunity to prosecute their appeals on merits. I am, therefore, inclined to allow the applications, hence 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 claiming interest for the period of delay in the event of their success in the appeal on the enhanced amount of compensation.
- (iii) The copy of the present order as well as the undertaking given by the applicants be kept along with the papers of appeal.
- (iv) On registration of the appeals, issue notice to the respondents. The learned Counsel for the respective parties waives service of notice for the respective respondents.
- (v) As jointly prayed by the learned Counsel appearing for the parties, refer the present matter to the Lok Adalat scheduled on 8th September, 2018 for amicable settlement.

(P.R. BORA, J.)

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