

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

**32 CIVIL APPLICATION NO. 11961 of 2015
IN FAST/26508/2014**

GANGARAM MAHADU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Ganesh M Jadhav
AGP for Respondents No.1 and 2 : Mr. A.D. Namde
Advocate for Respondent No. 3 : Mr. A.R. Kale
....

**WITH CA/11962/2015 IN FAST/26512/2014
WITH CA/11963/2015 IN FAST/26492/2014**

CORAM : K.K. SONAWANE, J.

DATED : 16th JANUARY, 2018.

Order :-

1. Heard the learned counsel appearing for the parties.
2. Perused the applications. The learned counsel for applicants-original claimants submits that they moved present applications for condonation of 1458 to 1461 days delay caused in preferring the appeals against the impugned Judgment and Award passed by the learned Reference Court. According to learned counsel for the applicants, the applicants are rustic and illiterate person having no knowledge about the legal procedure as well as he had a financial crisis. The applicants-appellants preferred present appeals, but there is delay, which is not intentional or deliberate, but it caused for procuring the funds for court fees etc. They have every hope of success in the appeals. The learned counsel further added that applicants - appellants will not claim statutory benefits as well as amount of interest as laid

down in the Land Acquisition Act, 1894, for the period of delay sought to be condoned, in case of success of appeal on merit. Hence, learned counsel for applicants prayed for condonation of delay.

3. The learned counsel for Acquiring Body submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

4. The learned AGP raised objection and submits that applications be rejected.

5. In view of the aforesaid submissions and for the reasons mentioned in the applications that applicants are rustic and illiterate person having no knowledge about the legal procedure as well as they had a financial crisis, the applications for condonation of delay deserve to be allowed. I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate its grievances before the Appellate Forum. There is no impediment to condone the delay. There is sufficient cause to allow the applications for condonation of delay. In addition, the applicants/claimants have shown willingness/inclination that they will not claim statutory benefits as well as amount of interest as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits and interest amount etc. on the part of applicants-appellants, there would not be any impediment to condone the delay. The applications for condonation of delay required to be allowed.

6. In sequel, applications are allowed in terms of prayer clause "B".

The delay caused to present the appeals against the impugned Judgment and Award stands condoned subject to condition that applicants-appellants shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this Court after adjudication of appeals on merits.

7. Pursuant to aforesaid waiver of statutory claim, the applicants-appellants shall furnish undertaking to that effect and place it on record of the appeal to enable this Court to take note of the same, while decision of the appeals on merit. Registry to take requisite steps for further process.

8. The civil applications are allowed in aforesaid terms and stand disposed of.

9. On registration of appeals, issue notice to the respondents. Learned AGP waives service of notice for respondents No. 1 and 2 and Mr. Kale, learned counsel waives service of notice for respondent No. 3.

10. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

11. List the appeals for admission in due course.

[K. K. SONAWANE]
JUDGE

MTK.