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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**FIRST APPEAL (ST) NO.29474/2016
WITH
CIVIL APPLICATION NO.15133/2016**

Babu Haribhau Shinde.

...Appellant..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri K.B. Jadhav, Advocate for appellant.

Shri A.D. Namde, AGP for respondent nos.1 & 2.

Shri M.C. Swami, Advocate for respondent no.3.

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CORAM: M.S. SONAK, J.

DATE: 12.02.2018

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] In this case, though the delay is quite substantial, the learned counsel for the parties point out that in identical circumstances, in connected matters, delay of over 2,000 days or thereabout has already been condoned by this Court by requiring the applicants therein to furnish undertaking that they will not claim any statutory benefits or interest in respect

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of the delayed period. The learned counsel for the applicant points out that the applicant in this case has already filed such an undertaking making it clear that he will not claim any statutory benefits or interest for the delayed period. Accordingly, the delay in institution of this appeal is hereby condoned. Civil Application No.15133/2016 is accordingly disposed of.

3] Further, with the consent and at the request of learned counsel for the parties, the appeal is also taken up for final disposal since this matter is covered by the judgment and order dated 17.7.2017 in First Appeal No.4083/2016 and connected matters.

4] For the reasons set out in the aforesaid judgment and order dated 17.7.2017, even this appeal is allowed in the same terms, however, making it clear that the appellant / applicant will not be entitled to statutory benefits or interest for the delayed period.

5] The appeal is accordingly disposed of and the respondents are directed to pay to the appellant the compensation at the rate of Rs.1500/- per Are in respect of Jirayat land and at the rate of Rs.2250/- per Are in respect of semi-irrigated land. The respondents are also

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directed to pay the statutory benefits and interest on the enhanced amount though such statutory benefits and interest need not be paid in respect of the delayed period in terms of the undertakings already furnished by the appellant. The amounts be computed by the respondents and deposited in this Court within a period of twelve weeks from today. Upon deposit, the appellant shall be at liberty to withdraw the same unconditionally. In case there is any difficulty on account of disputes about calculation etc., the appellant is at liberty to withdraw the deposited amount without prejudice and thereafter apply for execution for the balance amount, if any.

6] Pending civil applications, if any, are disposed of in the aforesaid terms.

7] All concerned to act on the basis of authenticated copy of this order.

(M.S. SONAK, J.)