

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

CIVIL APPLICATION NO. 15402 OF 2017 IN FAST/34317/2017

KAUTIK SHYAMRAO PARKHE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Sonaji K. Adkine
AGP for Respondent No.1 : Mr. R. B. Bagul

...
CORAM : SUNIL K. KOTWAL, J.
DATED : 12th OCTOBER, 2018.

ORDER :-

Heard learned counsel for applicant and learned AGP for respondent No.1. Despite service, none appears for respondent No.2.

2. Present application is filed for condonation of delay in filing first appeal. Learned counsel submits that the applicant-appellant will not claim statutory benefits as well as amount of interest for the period of delay.

3. Learned AGP for respondent No.1 objects to condone delay.

4. According to applicant, due to poverty and financial crisis, he could not approach before Hon'ble High Court to file an appeal. The reason assigned by the applicant is acceptable. Therefore, the delay of 893 days is condoned. The Civil Application is allowed subject to filing written undertaking by the applicant-appellant in the First Appeal that he shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894, for the period of delay. The civil application is disposed of accordingly.

5. First Appeal (Stamp) No. 34317 of 2017 be registered.

6. Issue notice to the respondents, returnable on 27-11-2018.

7. Learned AGP waives service of notice for respondent No.1 State.

**[SUNIL K. KOTWAL]
JUDGE**

rrd.