

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

**912 CIVIL APPLICATION NO. 4217 OF 2017  
IN FAST/35242/2016 WITH CA/3971/2017 IN  
FAST/35245/2016**

**LAXMIBAI BHAGWANRAO CHAVAL  
VERSUS  
THE SPECIAL LAND ACQUISITION OFFICER M.I.W., JALNA  
AND ORS**

...

Advocate for Applicant : Mr. Kale B Ajeet  
AGP for Respondents/State : Ms. S.S. Raut  
Advocate for Respondent No.3 : Mr. S.B. Mene

...

**CORAM : P.R. BORA, J.  
DATED : 26<sup>th</sup> SEPTEMBER, 2018.**

**PER COURT:-**

. Heard Shri A.B. Kale, the learned counsel appearing for the applicant and Shri Mene, the learned counsel appearing for the acquiring body.

2. The delay of 3069 days has occurred in filing these appeals by the original claimants. The learned counsel for the applicant pointed out that in companion matters, this Court has condoned the delay of the similar period on an undertaking submitted by the applicants-claimants that they shall not claim any benefit or interest for the period of delay in the event of enhancement in the amount of compensation.

(2)

3. The learned counsel for the acquiring body though has opposed for condoning the delay stating that the same has not been properly explained has not disputed the fact that in some of the companion matters, this Court has condoned the delay of the similar period. One such order is tendered across the bar by Advocate Shri Kale passed in Civil Application No. 9785 of 2017. In the said order earlier order passed in Civil Application No.8413 of 2017 is referred to and relied upon. Considering that in the similar matters the delay of similar period has been condoned by this Court, there seems no reason for adopting any other course while deciding the applications.

4. In the present matters also, the applicants have submitted their undertakings to the effect that they shall not claim the benefits or interest for the period of delay in the event of their success in appeals. After having considered the submissions so made, the following order is passed:

**ORDER**

i) The applications for condonation of delay

(3)

are allowed.

- ii) The delay of 3069 days caused in filing the appeals is condoned. The appeals be registered in accordance with law.
- iii) The copy of the present order as well as the undertakings given by the appellants shall be kept alongwith the papers of the appeals.
- iv) Both Civil Applications stand disposed of.
- v) On registration of the appeals, issue notice to the respondents, returnable on 24.10.2018. Shri Mene waives notice for the acquiring body. The learned AGP waives notice for respondent-State. Service complete.
- vi) List the appeals alongwith Civil Application No.9785 of 2017 in First Appeal (Stamp) No. 275 of 2014, Civil Application No. 9786 of 2017 in First Appeal (Stamp) No.676 of 2014 and Civil Application No. 9787 of 2017 in First

(4)

Appeal (Stamp) No.672 of 2014 for further  
consideration on 29.09.2018.

**(P.R. BORA, J.)**

Mujaheed//