

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

954 CIVIL APPLICATION NO. 14765 OF 2017
IN
FAST/37057/2017

KAMALABAI CHAGANRAO TAYADE & ANR.
VERSUS
THE STATE OF MAHARASHTRA & ANR.

...
Advocate for Applicants : Mr. V.B.Jogdand Patil
AGP for Resp. No.1 and 2: Mrs. S.S.Raut

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CORAM : K.K. SONAWANE, J.
DATED : 28th JUNE, 2018.
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ORAL ORDER :

1. Heard the learned counsel for the applicants and learned A.G.P. Perused the application.
2. Despite service of notice, none appears for respondent No. 3.
3. The learned A.G.P. oppose the application on the ground that there is inordinate delay and same has not been properly explained. Therefore, she requested for rejection of application.
4. Considering the fact that the applicants are rustic and illiterate persons having no knowledge about the legal procedure as well as they had a financial crisis, I find it justifiable to give reasonable opportunity to the applicants-original claimants in the interest of justice to ventilate the grievances before the Appellate Forum. There is no impediment to condone the delay. There is sufficient cause to allow the application for condonation of delay. In addition, the applicants/claimants have shown their willingness/inclination that they will not claim statutory benefits as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits on the part of applicants/claimants, there would not be any impediment to condone the delay. The

application for condonation of delay deserves to be allowed.

5. In sequel, application stands allowed. The delay caused to present the appeal against the impugned Award stands condoned subject to condition that applicants/claimants 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 appeal on merit.

6. Pursuant to aforesaid waiver of statutory claim, the applicants/claimants 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 appeal on merit. Registry to take requisite steps for further process.

7. The civil application is allowed in aforesaid terms and stands disposed of.

[K.K.SONAWANE]
JUDGE