

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

CIVIL APPLICATION NO. 14400 OF 2017
IN
FIRST APPEAL [STAMP] NO. 37889 OF 2017

Haribhau Mhatarji Aher ... Applicants

versus

The State of Maharashtra and anr. ... Respondents

Mr. Nandkishor J. Pahune Patil, Advocate for applicants
Mr. Shashibhushan P. Deshmukh, Assistant Govt. Pleader for
respondent no.1
Mr. S. D. Dhongde, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

ORDER :

1. This is an applications for condonation of delay in filing first appeal. It is referred to that since the applicant could not arrange for necessary funds as the acquired land was the only source of his income and as such he had been facing very acute earning problem and daily livelihood has become difficult. In the circumstances, delay has occurred.
2. Learned counsel for the applicants submits that applicants would waive interest for the delayed period as they do not intend to take undue advantage of delay caused.

3. Learned counsel refers to decisions of the supreme court in the cases of *Collector, Land Acquisition, Ananthnag vs. Mst. Katiji*, reported in 1987 SC 1353, and *Dhiraj Singh (dead) through legal representatives and others vs. State of Haryana and others*, reported in (2014) 14 SCC 127. In view of the same, he urges for condonation of delay.

4. Learned counsel for acquiring body and learned Assistant Government Pleader resist, however, delay being not intentional or deliberate is not in serious dispute and the circumstances faced by the claimant are also not in dispute.

5. In the circumstances, having regard to decisions referred to above and quite a few orders passed by high court condoning delay, it would be expedient to grant application for condonation of delay subject to applicants filing undertaking before this court within a period of three weeks from today that they would not claim any interest over the compensation, if enhanced, for delayed period.

6. Applications are allowed. Delay stands condoned.

SUNIL P. DESHMUKH,
JUDGE

pnd