

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.160 OF 2018
IN
CROSS OBJECTION (L) NO.6249 OF 2018**

Maru Narayan Thakur & Anr.	Applicants
Vs.	
The State of Maharashtra & Anr.	 Respondents

Mr. Sachin S. Punde, for the Appellants in CAO.
Mr. S.S. Punde, for the Appellants in XOBST.
Mr. A.R. Patil, AGP for Respondent State.

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JUNE 20, 2018

P.C. :

1. Heard the learned counsel for the parties.
2. This application is preferred by claimant for condonation of 967 days delay in filing the Cross Objection in First Appeal No.484 of 2015 arising out of the Judgment and Order dated 16.04.2011 passed by the Joint Civil Judge, Senior Division at Panvel, District Raigad in L.A.R.No.170/2017.
3. Considering the submissions made by the learned counsel for the Applicants and the averments made in the Application, we are satisfied that the Applicants have made out a case for allowing the present Civil Application in terms of prayer clause (a). At the same time, if the Applicants succeed in the

Cross Objection, then they will not be entitled for the interest under Section 28 of the Land Acquisition Act, 1894 for the delayed days.

4. Hence, following order is passed:

(a) Civil application for condonation of delay in preferring cross objection is allowed in terms of prayer clause (a), which reads thus:-

“This Honourable High Court be pleased to condone the delay of 957 days and extend the time in preferring the Cross Objection in the First Appeal No.484 of 2015.”

(b) In case the Applicants succeed in the cross objection, then they will not be entitled for the interest under Section 28 of the Land Acquisition Act, 1894 for the delayed days.

5. Civil application is disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)