

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

**966 CIVIL APPLICATION NO.4845 OF 2018
IN FAST/6321/2018
WITH CA/4843/2018 IN FAST/6376/2018
WITH CA/4844/2018 IN FAST/6372/2018**

**SHAIKH KHAJA SHAIKH KASAM
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicant : Mr. Shinde Avinash R
AGP for Respondents/State : Mr. S.P. Deshmukh
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present applications have been filed by the original claimants for getting the delay of 1671 days condoned in filing first appeals. The claimants intend to challenge the judgment and award passed by the learned reference Court in order to enhance the compensation.

2. Learned AGP has strong objection to allow the applications on the ground that the delay is huge and inordinate and has not been properly explained.

3. It is to be noted that apart from the contents of the applications, separate affidavits have been filed by the claimants explaining the delay. Taking into consideration the fact that the applicants are senior citizens, whose land has been acquired, so also they are illiterate and coming from rural area, liberal approach is taken, delay stands condoned.

4. Civil Applications stand allowed and disposed of accordingly.

5. Registry to verify and register the first appeals and place them for further consideration on 12.12.2019.

6. It is clarified that the applicants are not entitled to get interest for the the period of 1671 days in case of success to their respective appeals.

(SMT. VIBHA KANKANWADI, J.)

SCM