

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

**1020 CIVIL APPLICATION NO.2736 OF 2019
IN FAST/12619/2018**

**KAVIRA RAMCHANDRA MULE AND ANR
VERSUS
SURESH GAJENDRA GUNJAL AND ORS**

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Advocate for Applicants : Mr. Tekale Nikhil S & Mr. S.K. Andhare

AGP for Respondents/State : Mr. R.B. Bagul

Advocate for Respondent Nos.1,2, 3.A & 4 : Mr. A.S. More

Advocate for Respondent No.9 : Mr. J.R. Patil h/f Mr. G.B. Rajale

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th OCTOBER, 2019.

ORDER :

. Present application has been filed by original respondent Nos.6 and 7 for getting the delay of 1284 days condoned in filing first appeal. The appellants intend to challenge the judgment and award passed by the learned reference Court.

2. Learned Advocate appearing for respondent Nos.9 and learned AGP for respondent Nos.7 and 8 strongly objects to the application on the ground that the delay is huge and inordinate and has not been properly explained.

3. It is to be noted that the applicants are illiterate ladies, coming from rural area and it is their contention that though they had share in the land which was acquired, they have not been compensated adequately. In fact, they were not at all served when the reference was filed and they were made as respondents in the same.
4. Taking into consideration the reasons stated therein, by taking liberal approach, the delay stands condoned.
5. Civil Application stands allowed and disposed of accordingly.
6. It is clarified that the applicants will not be entitled to get interest for the period of 1284 days in case of success to their appeal.
7. It is also submitted that the acquiring body has challenged the said judgment and award in first appeal No.4007 of 2016. Hence, registry to verify and register the first appeal and tag it along with first appeal No.4007 of 2016.

(SMT. VIBHA KANKANWADI, J.)

SCM