

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

100 CIVIL APPLICATION NO.6646 OF 2019
IN FAST/13567/2019

KALYANRAO RAJESHWARRAO MOKASHE (DIED) THR LRS KAVITA
AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. M. P. Kale
AGP for Respondents-State: Mr. S. P. Deshmukh
...

CORAM : MANGESH S. PATIL, J.

DATE : 08.11.2019

PER COURT :-

The applicants are the legal representatives of the original claimant who had preferred reference under Section 18 of the Land Acquisition Act. They are seeking condonation of delay in preferring the first appeal. According to them, they had no knowledge regarding passing of the impugned judgment and order. In fact, their predecessor, who was the original claimant, has died in the year 2010 and it is thereafter that the impugned judgment and order has been passed without the legal representatives having been brought on record. A serious prejudice has been caused to them and unless the delay is condoned, their valuable right would be defeated.

2. Learned AGP submits that the delay is enormous. There are no reasons. At least the applicants may not be made entitled to claim interest for the period of delay.

3. It is prima facie clear that the original claimant had died in the year 2010. His legal representatives were not brought on record before the Reference Court and by the impugned judgment order it has been decided in the year 2010. Obviously a serious prejudice has been caused to the applicants who claim to be his legal representatives. It is in view of such peculiar state of affairs, in my considered view, keeping open the point as to their entitlement to claim interest for the period of delay, the delay deserves to be condoned.

4. The delay is condoned by keeping open the right of the applicants to claim interest for the period of 2571 days.

5. Civil application is disposed of.

(MANGESH S. PATIL, J.)

vsm/-