

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11910 OF 2018
IN
FIRST APPEAL (STAMP) NO.25959 OF 2018
(Mandabai Daga Mahajan Vs. Vs. The Deputy Collector,
Land Acquisition No.2 and another)

Mr. More Kumar Gaurav M. Advocate for the applicant
Mr. A.M. Phule, A.G.P. for the respondent/State
Mr. S.S. Chillarge, Advocate for respondent No.2

CORAM : SUNIL K. KOTWAL, J.

DATE : 5nd APRIL, 2019

ORDER :

Heard learned counsel for the applicant,
learned A.G.P. for respondent No.1 and learned counsel
for respondent No.2.

2. Learned counsel for Acquiring Body and
learned A.G.P. vehemently objected this application
for condonation of delay on the ground of not
assigning sufficient cause. On the other hand,
learned counsel for the applicant has drawn my
attention towards the reasons assigned in paragraph
No.3 of the application for the delay caused in filing
appeal.

3. The applicant is an illiterate person and he works as labour. Considering the condition of the applicant, I feel that the reason assigned for delay is sufficient cause for the delay. Therefore, Civil Application is allowed in terms of prayer clause (B) and disposed of, subject to direction to the applicant that he shall file written undertaking in the First Appeal of the claimant regarding waiver of statutory benefits for the period of delay of 1246 days. The undertaking shall be filed within eight weeks from the date of passing of this order. First Appeal (Stamp) No.25959/2018 be registered.

4. Upon registration of First Appeal, issue notice to the respondents. Learned A.G.P. waives service of notice for respondent No.1 and Mr. S.S. Chillarge, learned counsel waives service of notice for respondent No.2.

5. First Appeal stands admitted upon its registration. R & P be called.

[SUNIL K. KOTWAL]
JUDGE