

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO.6038 OF 2019
IN FAST/29379/2018 WITH CA/6039/2019 IN FAST/29738/2018 WITH CA/
6040/2019 IN FAST/29744/2018 WITH CA/6041/2019 IN FAST/29763/2018
WITH CA/6042/2019 IN FAST/29752/2018 WITH CA/6043/2019 IN
FAST/29740/2018 WITH CA/6044/2019 IN FAST/29757/2018 WITH
CA/6045/2019 IN FAST/29766/2018 WITH CA/6046/2019 IN
FAST/29731/2018 WITH CA/6047/2019 IN FAST/29761/2018 WITH
CA/6048/2019 IN FAST/29736/2018 WITH CA/6049/2019 IN
FAST/29733/2018 WITH CA/6050/2019 IN FAST/29759/2018 WITH
CA/6051/2019 IN FAST/29770/2018 WITH CA/6052/2019 IN
FAST/29727/2018 WITH CA/6053/2019 IN FAST/29774/2018 WITH
CA/6054/2019 IN FAST/29748/2018 WITH CA/6055/2019 IN
FAST/29729/2018

VISHWANATH EKNATH SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Laxmi Thakur h/f Patil Laxmikant C.
AGP for Respondents: S.P.Deshmukh

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CORAM : MANGESH S. PATIL, J.
DATE : 18.11.2019

PC. :-

Heard both the sides. The applicants are the original claimants seeking condonation of delay of 10 years in preferring First Appeals against common judgment and award passed by the Reference Court in their Reference under Section 18 of the Land Acquisition Act.

2] The learned advocate for the applicants submits that they are poor

agriculturists whose lands have been acquired. Their valuable right to have just compensation would be lost if their appeals are not registered on the ground of delay. She submits that even they are ready to waive their right to claim interest for the period of delay but the appeals may be registered by condoning the delay.

3] The learned A.G.P. opposes the applications.

4] Respondent no.2 who is acquiring body has been duly served but has not appeared.

5] Considering the fact that the applicants are the poor agriculturists, who have lost their lands, it would not be appropriate to shut the doors of justice at the threshold simply on the ground of delay, albeit the delay is enormous. The applicants were not to gain anything by allowing their appeals to be barred by limitation.

6] For the reasons mentioned in the applications, the delay in each of these First Appeals are condoned subject to the condition that these applicants/appellants shall not be entitled to claim interest for the period of delay i.e. 3788 days.

[MANGESH S. PATIL, J.]