

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

**CIVIL APPLICATION NO.12028 OF 2019
IN
FIRST APPEAL ST. NO.29777 OF 2019**

- 1) Bajrang s/o Hiralal Joshi,
- 2) Shrinivas s/o Motilal Joshi (Died)
Through his L.Rs
- 1) Gopal s/o Shrinivas Joshi,
- 2) Giridhar s/o Shrinivas Joshi,

All R/o-Latur, Tq. & Dist-Latur

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through- Collector, Dist-Latur,
- 2) Sub-Divisional Officer and
Land Acquisition Officer, Latur,
- 3) The Executive Engineer,
Public Works Department,
Latur.

...RESPONDENTS

...
Mr.Sharad S. Halkude Advocate for Applicants.
Mr.A.V. Deshmukh, A.G.P. for Respondents.
...

**CORAM: SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 15TH NOVEMBER, 2019

ORDER :

1. Heard learned counsel for appearing parties. Learned counsel for the applicants refers to the contents of the application and submits that it is under the events referred to, delay has occurred.

2. Learned AGP purports to resist. He is not in a position to challenge the veracity of the contents.

3. In the circumstances, following decisions of the Supreme Court in the cases of "*Collector, Land Acquisition, Anantnag V/s. Ms. Katiji and others*" reported in AIR 1987 SC 1353; "*Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy and others*" reported in (2013) 12 Supreme Court Cases 649, and "*Dhiraj Singh (Dead) Through Legal Representatives and others V/s. State of Haryana and others*" reported in (2014) 14 Supreme Court Cases 127, we consider it expedient to condone the delay.

4. Accordingly, delay is condoned. Application is allowed in terms of prayer clause "(B)", subject to, for the period of delay the claimants would not be able to get interest. The

claimants shall file an undertaking in this Court to that effect within a period of four weeks from today.

5. Civil application disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

asb/NOV19