

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

**1009 CIVIL APPLICATION NO.2063 OF 2019
IN FAST/32349/2018**

**KAZI KABIRUDDIN KAZI SALIMDDIN AND ANR
VERSUS
STATE OF MAHARASHTRA THR CLLECTOR, AURANGABAD AND ORS**

...
Advocate for Applicants : Mr. Shaikh Kayyum Najir
AGP for Respondents/State : Mr. R.B. Bagul
Advocate for Respondent No.4 : Mr. Dhongade Suresh D.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed by the original claimants for getting the delay of 1734 days condoned in filing First Appeal. The original claimants intend to challenge the judgment and award passed by the learned Reference Court and get enhancement in the compensation. Learned AGP representing respondent Nos.1 and 2 has strong objection to allow the application on the ground that there is huge and inordinate delay.

2. Taking into consideration the fact that the applicants are an agriculturist, coming from rural area and their land was acquired, liberal view is taken and for the reasons mentioned in paragraph No.2, the

delay stands condoned.

3. Civil Application stands allowed and disposed of accordingly.

4. Registry to verify and register the First Appeal and place it for further consideration on 18.09.2019.

5. It is clarified that the applicants are not entitled to get interest of 1734 days, in case of success in their appeal.

(Smt. Vibha Kankanwadi, J.)

Shubham/