

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

**919 CIVIL APPLICATION NO.256 OF 2018  
IN FAST/36151/2017**

JANIMIYA MAHMOOD JAMADAR  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Vivekanand V. Ingale  
AGP for Respondents No.1 and 2 : Mr. Y.G. Gurjathi

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**920 CIVIL APPLICATION NO.272 OF 2018  
IN FAST/36149/2017**

GOPABAI JYOTIBA MUSALE (DIED) THR LRS VASANT THR POWER OF  
ATTORNEY HOLDER KASTURB  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Vivekanand V. Ingale  
AGP for Respondents No.1 and 2 : Mr. R.B. Bagul

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**921 CIVIL APPLICATION NO.551 OF 2018  
IN FAST/36162/2017**

BABU VISHWAMBER CHAUDHARI  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Vivekanand V. Ingale  
AGP for Respondents No.1 and 2 : Mr. S.P. Deshmukh

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**922 CIVIL APPLICATION NO.2380 OF 2018  
IN FAST/36153/2017**

HYDERALI AHEMDALI MASULDAR  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

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**WITH CA/2381/2018 IN FAST/36199/2017**

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Advocate for Applicant : Mr. Vivekanand V. Ingale  
AGP for Respondents No.1 and 2 : Mr. Y.G. Gurjathi

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**924 CIVIL APPLICATION NO. 3116 OF 2018  
IN FAST/36156/2017**

**BHUSHAN RAMCHANDRA KHANDAGALE  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS**

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**WITH CA/3117/2018 IN FAST/36192/2017  
WITH CA/3118/2018 IN FAST/36195/2017  
WITH CA/3119/2018 IN FAST/36197/2017**

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Advocate for Applicant : Mr. Vivekanand V. Ingale  
AGP for Respondents No.1 and 2 : Mr. R.B. Bagul

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**CORAM : K.K. SONAWANE, J.**

**DATED : 15<sup>th</sup> JANUARY, 2020.**

**ORDER :-**

1. Heard learned counsel for appearing parties. Despite service of notice, no appearance is caused on behalf of respondent No. 3 Acquiring Body.
2. Perused the applications and relevant documents produced on record. It has been submitted on behalf of the applicants-claimants that delay caused in filing the appeal is not intentional or deliberate but it caused due to unavoidable circumstances as well financial crises for filing the present appeals. A reasonable opportunity be given to applicants for seeking relief of enhancement of compensation in these matters. The learned counsel further added that applicants - appellants will not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894, for the period of delay sought to be condoned, in case of success of appeals on merit. Hence, learned counsel for applicants prayed for condonation of delay.
3. The learned AGP for respondents No. 1 and 2 submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

4. Perused the applications and relevant documents on record. Admittedly, the matters pertain to enhancement of compensation for the lands under acquisition. The learned Reference Court partly allowed the Reference Petitions filed by the applicants under section 18 of the Land Acquisition Act, 1894. The applicants intend to challenge the findings for awarding meagre compensation amount and also intend to seek enhancement of compensation.

5. In view of the aforesaid submissions and for the reasons mentioned in the applications that the delay so caused in filing the appeals was only due to unavoidable circumstances as well financial crises, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate grievances before the Appellate Forum. There is sufficient cause to allow the applications for condonation of delay. In addition, the applicants-claimants have shown their willingness / inclination that they will not claim statutory benefits as well as amount of interest as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits and interest amount etc. on the part of applicants-appellants, there would not be any impediment to condone the delay. The applications for condonation of delay required to be allowed.

6. In sequel, applications are allowed in terms of prayer clause "B". The delay caused to present the appeals against the impugned Judgment and Award stands condoned subject to condition that applicants-appellants shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this Court after adjudication of appeals on merit.

7. Pursuant to aforesaid waiver of statutory claim, the applicants-appellants shall furnish undertakings to that effect and place it on record of the appeals to enable this Court to take note of the same, while decision of the appeals on merit. Registry to take requisite steps for further process.

8. The civil applications are allowed in aforesaid terms and stand disposed of.

9. On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for respondents No. 1 and 2.

10. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

11. List the appeals for admission in due course.

Sd./-

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK