

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

**921 CIVIL APPLICATION NO.1162 OF 2020
IN FAST/296/2020 WITH CA/1161/2020 IN FAST/299/2020**

BABURAO NARAYAN PATIL THR LRS PARVATABAI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER - 1 U.T.P.H-1 JALGAON
AND ANR

...

Advocate for Applicants : Mr. Madhav M. Bhokarikar
AGP for Respondent Nos. 1 and 2 : Mr. A.M.Phule

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29-10-2021

PER COURT :

01. Heard Mr. Bhokarikar, learned counsel for the applicants and Mr. Phule, learned A.G.P. for State/respondent Nos. 1 and 2.

02. These are applications for the condonation of delay moved by the applicants by taking aid of Section 5 of the Limitation Act, 1963. In both the applications, there is delay of 3613 days in preferring an appeal against the impugned judgment and award passed by the reference Court at Jalgaon. Certainly, the delay is inordinate. However, in the interest of justice and looking to the grounds raised in the proposed appeal, the delay needs to be condoned however, subject to payment of

costs which would meet the ends of justice. Hence, I pass following order;

ORDER

I) Both the civil applications for condonation of delay are hereby allowed subject to payment of costs of Rs. 5,000/- each to the High Court Legal Services Sub Committee at Aurangabad within one month from today. If cost is deposited by the applicants within time, the appeal be scrutinized and those be numbered and placed before this Court for admission. Stand over to 17.12.2021.

II) The applicants shall not claim statutory benefits and interest as available under the Land Acquisition Act, 1894 for the delayed period which have been condoned by this Court. The applicants shall furnish undertaking to that effect before the Registrar (Judicial) of this Court.

[SHRIKANT D. KULKARNI]

JUDGE

Dahibhate/-