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

CIVIL APPLICATION NO.2282 OF 2015
IN FIRST APPEAL ST. NO.4856 OF 2014

BHASKAR DINKAR SANAP AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Mr D.R. Jaybhar, Advocate for applicants
Mr A.M. Phule, A.G.P. for respondent/State

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 25th October, 2021

PER COURT :

1. It is an application for condonation of delay moved by the applicants by taking aid of Section 5 of the Limitation Act. There is delay of 3155 days in preferring the appeal.

2. Heard Mr D.R. Jaybhar, learned Advocate for the applicants and Mr A.M. Phule, learned A.G.P. for respondent/State.

3. Mr Jaybhar, learned Counsel for the applicants placed on record the copy of order passed in Civil Application No.8897 of 2010 with connected matters arising out of the same award wherein delay is condoned by this Court under order dated 21.8.2017.

4. It is undisputed position that this matter arises out of the same award wherein delay is sought to be condoned. In the abovesaid group matters, this Court was pleased to condone the delay by putting clause that applicants shall not claim statutory benefits as well as amount of interest as contemplated under the provisions of Land Acquisition Act, 1894 for the delayed period, allowed to be condoned, in case any enhanced

compensation is awarded by this Court while adjudicating the appeals on merits.

5. I do not see any reason to take any different view.

6. For the reasons stated in the application and in view of the order passed by this Court in Civil Application No.8897 of 2010 with connected matters, I proceed to pass the following order :

ORDER

(i) The application for condonation of delay is hereby allowed.

(ii) The delay in preferring the appeal against the impugned judgment and award stands condoned subject to condition that the applicants shall not claim statutory benefits as well as amount of interest, as contemplated under the provisions of Land Acquisition Act, 1894 for the delayed period, allowed to be condoned, in case any enhanced compensation is awarded by this Court, while adjudicating the appeal on merits.

(iii) The applicants shall furnish undertaking to that effect and place it on record along with the appeal to take note of the same.

(iv) Registry to take requisite steps accordingly.

(v) Civil Application is accordingly disposed of in above terms.

(SHRIKANT D. KULKARNI, J.)

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