

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO.4151 OF 2021
IN FAST/5180/2020

AGIDIBAI RAMA TAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Ms S.A. Kale h/f Mr Ajeet B. Kale
AGP for Respondent Nos. 1 and 2 : Mr A.M. Phule

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 3rd DECEMBER, 2021

PER COURT :

1. It is an application for condonation of delay moved by the original claimant/applicant.
2. Heard Ms Kale, learned counsel holding for Mr Ajit Kale, learned counsel for the applicant/appellant and Mr A.M. Phule, learned A.G.P. for respondent Nos. 1 and 2
3. None present for respondent No. 3/acquiring body though notice is duly served.
4. There seems to be delay of 4349 days in preferring the first appeal.
5. Ms Kale, learned counsel for the applicant submits that this Court was pleased to condone the delay earlier in connected matter vide Civil application No. 2032/2010 in First Appeal Stamp No. 3196/2010 with connected matters vide order dated 22.03.2013. she further submits that

the above referred matters were referred for amicable settlement to the National Lok Adalat and accordingly, those matters have been settled in the National Lok Adalat. This matter is also going to be referred to the Lok Adalat for settlement.

6. Mr Phule, learned AGP for the State/Respondent Nos. 1 and 2 strongly opposed to condone the delay. He submits that there is inordinate delay in preferring the appeal. No satisfactory reasons are assigned for condonation of delay.

7. Ms Kale, learned counsel for the applicant seeks leave to file a copy of the order on record passed in Civil Application No. 2032/2010 in First Appeal Stamp No. 3196/2010 with connected matters. Leave granted.

8. On going through the copy of the order passed in Civil Application No. 2032/2010 in First Appeal Stamp No. 3196/2010 with connected matters, my learned Brother (Hon'ble Shri Justice S.P. Deshmukh) vide order dated 22.03.2013 was pleased to condone the delay. The present appeal is also arising out of the same award and project. I do not see any reason to take different view. The delay needs to be condoned in view of the earlier order passed by my learned Brother in Civil Application No. 2032/2010 in First Appeal Stamp No. 3196/2010. By taking the same view, this application needs to be allowed.

ORDER

- (I) The Civil Application is hereby allowed in terms of prayer clause (B).
- (II) The applicant/original claimant shall not claim statutory benefits and interest under the Land Acquisition Act, 1894 for the delayed period which is condoned today.
- (III) The applicant/original claimant shall furnish undertaking to that effect with the Registrar (Judicial).
- (IV) The Registry to make scrutiny of the appeal after furnishing such undertaking by the applicant/original claimant and it be numbered and placed it before the Lok Adalat after necessary compliance.

[SHRIKANT D. KULKARNI, J.]

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