

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

5 CIVIL APPLICATION NO.8823 OF 2021
IN WP/2594/2018 WITH WP/2594/2018

NARSING SHIVAPPA NAGOBA DIED THR LRS
CHANCHALABAI NARSING NAGOBA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Adv. for Applicants : Mr. Amol Jagtap h/f Mr. Sontakke G. K.

AGP for Respondent/s-State : Mr. P. S. Patil.

Adv. for Res. No.2 : Mr. A. R. Lukhe h/f Mr. A. S. Shelke.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 30.08.2021

PER COURT :-

1. By this application, the applicants claiming to be the L.Rs. of the deceased petitioner Narsing, pray for condonation of 85 days' delay in filing the application for being brought on record. The learned AGP and the learned advocate for the respondent opposed the application.

2. The Writ Petition has been preferred for determination of rental compensation on the total market value as is granted by the Reference Court. We do not find that the delay of three

months can be said to be deliberate or inordinate, though there are no pleadings in the Civil Application.

3. We are relying upon the law laid down by the Hon'ble Apex Court in the matter of *Collector Land Acquisition Anantnag and another Vs. MST. Katiji and others* reported in *AIR 1987 SC 1353*. Taking into account that if the delay of three months is not condoned, these applicants would lose a valuable right towards rental compensation, if eligible, this application needs to be considered.

4. In view of the above, this application is allowed. The delay is condoned. We are not imposing costs, as the applicants are L.Rs. of an agriculturist.

5. The L.Rs. be brought on record in the Writ Petition, on or before 15.09.2021, failing which, this petition shall stand abated on 16.09.2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-