

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

**CIVIL APPLICATION NO.4170 OF 2021
IN
FAST/9441/2020**

**VIJAY DEOCHAND SONAWANE AND OTHERS
VERSUS
THE COLLECTOR, JALGAON AND OTHERS**

....

Mr. M.M. Bhokarikar, Advocate for the Applicant
Mr. P.M. Kulkarni, AGP for Respondent Nos. 1 and 3
Mr. Subhash S. Chillarge, Advocate for Respondent No.4

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 30th NOVEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants by taking aid of Section 5 of the Limitation Act, 1963.

2. Heard Mr. Bhokarikar, learned counsel for the applicants, Mr. P.M. Kulkarni, learned AGP for respondent nos.1 and 3 and Mr. Subhash Chillarge, learned counsel for respondent no.4. In spite of proper service, none present for respondent no.2 / Superintendent Engineer, Tapi Vikas Mahamandal, Jalgaon, when matter is called.

3. There seems to be delay of 507 days in preferring the present appeal against the impugned judgment and award passed by the Reference Court.

4. For the reasons stated in the application for condonation of delay, more particularly in paragraph nos. 3 and 4, and looking to the nature of the dispute, I am convinced to condone the delay. However, the applicants / original claimants shall not be entitled to get statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period.

ORDER

(i) The application is hereby allowed in terms of prayer clause 'b'

(ii) The applicants / original claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating that they would not claim the statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period condoned today by this Court.

(iii) The Registry is directed to register the appeal after due scrutiny as per procedure, and thereafter, it be placed before the concerned Court for admission.

(iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane