

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

**CIVIL APPLICATION NO.4159 OF 2021
IN
FAST/9443/2020**

**RIYAJKHA SATTARKHA PATHAN
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER - 1 U.T.PH,
JALGAON AND ANOTHER**

....

Mr. M.M. Bhokarikar, Advocate for the Applicant
Mr. B.V. Virdhe, AGP for Respondent No.1
Mr. Subhash Chillarge, Advocate for Respondent No.2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 17th NOVEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / original claimant. There seems to be delay of 88 days in preferring the first appeal.

2. Heard Mr. M.M. Bhokarikar, learned counsel for the applicant and Mr. Subhash Chillarge, learned counsel for respondent no.2 and Mr. B.V. Virdhe, learned AGP for Respondent No.1.

3. For the reasons stated in the application for condonation of delay in para 3, and looking to the arguable points involved in the appeal, the delay needs to be condoned. At the same time, the applicant 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. Hence, the following order:-

ORDER

- (i) The application for condonation of delay moved by the applicant / original claimant is hereby allowed.
- (ii) The applicant / original claimant shall furnish undertaking that he 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 Court for admission.
- (iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE