

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

**CIVIL APPLICATION NO.8938 OF 2021
IN
FAST/10071/2020**

**CHATTRABHUJ EKNATHRAO DHUMAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, JALNA AND OTHERS**

WITH

**CIVIL APPLICATION NO.8939 OF 2021
IN
FAST/10068/2020**

**SUNDRABAI GUJEB A DHUMAL (DIED) THROUGH LRS
GUJEB A AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, JALNA AND OTHERS**

....

Mr. D.M. Pingale, Advocate for the Applicants in both CAs
Mr. B.V. Virdhe, AGP for Respondent Nos.1 and 2 / State in both CAs

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 17th NOVEMBER, 2021

PER COURT:-

1. These are the applications for condonation of delay moved by the applicants /original claimants.

2. Heard Mr. D.M. Pingale, learned counsel for the applicants and Mr. B.V. Virdhe, learned AGP for respondent nos. 1 and 2. Respondent no.3 / acquiring body though duly served, none appeared for respondent no.3 / acquiring body. Perused the papers.

3. The learned A.G.P. for the respondent nos 1 and 2 / State opposed to allow this application and submitted that no sufficient cause is assigned by the applicants for condonation of delay.

4. There is delay of 1479 days in preferring the first appeal at the hands of applicants / original claimants. According to Mr. Pingale, learned counsel for the applicants, the applicants / original claimants received the amount in the year 2019 itself, and as such, the delay was caused in filing the first appeal. That ground does not appear to be sound. However, in the interest of justice and looking to the arguable points involved in the appeal, I am of the view to condone the delay, however, subject to payment of costs, which would meet the ends of justice. Hence, the following order:-

ORDER

(i) The applications for condonation of delay moved by the applicants / original claimants are hereby allowed subject to payment of costs of Rs.5,000/- each to the High Court Legal Services Sub Committee, Aurangabad within a period of one month from today.

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

(iii) If the above clauses of order are complied, Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the Court for admission.

(iv) The civil applications are disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane