

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

**906 CIVIL APPLICATION NO.11714 OF 2021
IN FAST/10198/2020 WITH CA/11715/2021 IN FAST/10083/2020**

**SHAHURAJ HARISCHANDRA PAWAR
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR**

...
**Advocate for Applicants : Mr. Ingale Vivekanand V.
AGP for Respondents: Mr. A.M.Phule**

**AND
907 CIVIL APPLICATION NO.11719 OF 2021
IN FAST/16496/2020 WITH CA/11720/2021 IN FAST/17018/2020
WITH CA/11721/2021 IN FAST/17015/2020**

**GOVIND SIDHU GHODAKE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD ANDORS**

...
**Advocate for Applicant : Mr. Ingale Vivekanand V.
AGP for Respondents: Mr. B.V.Virdhe**

**AND
908 CIVIL APPLICATION NO.11727 OF 2021
IN FAST/10202/2020 WITH CA/11728/2021 IN FAST/10077/2020**

**RAM SHANKAR JADHAV
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD ANDANR**

...
**Advocate for Applicant : Mr. Ingale Vivekanand V.
AGP for Respondents: Ms. P.V.Diggikar**

**CORAM : SHRIKANT D. KULKARNI, J.
DATE : 26-10-2021.**

PER COURT :

01. Heard Mr. V.V.Ingle, learned Advocate for the

applicants. The applicants have filed these applications for condonation of delay under Section 5 of the Limitation Act, 1963.

02. Issue notice to the respondents. Mr. Phule, Mr. Virdhe, Ms. Diggikar, learned A.G.P's for the State waives notice for respondents.

03. Heard Mr. Ingle, learned counsel for the applicants and learned A.G.P's for the State/Respondents.

04. In Civil Application No. 11714/2021 there is a delay of 1184 days and so also in Civil application No. 11715/2021. In Civil Application No. 11719/21, Civil application No. 11720/2021 and Civil Application No. 11721/2021, there is delay of 776 days. In Civil Application No. 11727/2021 and Civil Application No. 11728/2021, there is also delay of 1184 days.

05. Mr. Ingle, learned counsel for the applicants placed on record copy of the order passed by this Court in Civil Application No. 2948/2017 in First Appeal No. 2526/2017 arising out of same proceedings. He submits that this Court was pleased to condone the delay on

condition that applicant shall not claim statutory benefits plus interest for the delayed period.

06. Mr. Phule, Mr. Virdhe and Ms. Diggikar, learned A.G.P's for the State opposed to condone the delay. They submit that there are no sufficient reasons to condone the delay.

07. By looking to the volume of delay and in order to decide the appeals on merits, it is necessary to condone the delay in the interest of justice. At the same time, the applicants cannot be permitted to avail the statutory benefits plus interest available under the Land Acquisition Act, 1894.

08. Having regard to the above reasons, I proceed to pass following order;

ORDER

01. Civil Application No. 11714/2021, Civil application No. 11715/2021, Civil Application No. 11719/21, Civil application No. 11720/2021, Civil Application No. 11721/2021, Civil Application No. 11727/2021 and Civil Application No. 11728/2021, stand allowed on condition that the applicants in

the respective applications for condonation of delay shall not claim statutory benefits plus interest available under the Land Acquisition Act, 1894 for the delayed period which is condoned.

02. The applicants shall furnish undertaking to that effect with the registry.

03. After furnishing the undertaking to the satisfaction of the Registrar (Judicial), the appeals be registered as per due scrutiny and be placed before this Court.

[SHRIKANT D. KULKARNI]

JUDGE

Dahibhate/-