

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6807 OF 2019
IN
FIRST APPEAL ST. NO. 10191 OF 2019

GODHAVARI MARATWADA IRRIGATION DEVELOPMENT CORPORATION,
AURANGABAD VS. PHULABAI W/O. BHIVA KAMBLE AND ANR.

Mr.R.D. Biradar, Advocate for the applicant.
Mr.S.Y. Patil, Advocate for respondent No.1.
Mr.A.A. Jagatkar, AGP for respondent No.2/State.

CORAM : V.L.ACHLIYA,J.
DATED : 19.01.2021

P.C. :-

01. The applicant has moved this application seeking condonation of delay in filing appeal.

02. Heard learned counsel for the applicant and learned counsel representing the respondents.

03. The learned counsel for the applicant submits that the delay caused in filing appeal is not deliberate and unintentional. It is further submitted that the parties have decided to settle the matter. The appellants have decided to restrict the challenge in appeal to the extent of award of interest under section 28 of the Land Acquisition Act. By consent, it is decided that the award to be modified and interest under section

28 of the Land Acquisition Act to be payable from the date of award. In order to facilitate the parties to record the settlement, it is desirable that the delay be condoned. The appeal be registered.

04. Learned Counsel for the respondent-claimant supported the contention that the parties have settled the matter and further submitted that the respondents-claimants have no objection to condone the delay.

05. Considering the submissions advanced, I am of the view that the delay deserves to be condoned. In the connected appeals arising out of same acquisition, the delay has been condoned. I am, therefore, inclined to allow the application. Hence, the application is allowed. The delay is condoned. The appeal be registered.

[V.L.ACHLIYA,J.]