

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

**16 CIVIL APPLICATION NO.4160 OF 2021
IN FAST/10534/2020**

**INDUBAI GOVINDA KAPADE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, (I) U.T.P.H. JALGAON
AND ANR**

Mr M.M. Bhokarikar, Advocate for applicant
Mr B.V. Virdhe, A.G.P. for respondent no.1
Mr H.B. Nandagavale, Advocate h/f Mr S.S. Chillarge, Advocate for
respondent no.2

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 25th October, 2021

PER COURT :

1. It is an application for condonation of delay moved by the applicant.
2. Heard Mr M.M. Bhokarikar, learned Counsel for applicant, Mr H.B. Nandagavale, learned Counsel h/f Mr S.S. Chillarge, learned Counsel for respondent no.2 and Mr Virdhe, learned A.G.P. for respondent no.1/State.
3. Perused the impugned judgment and award dated 14.2.2019 passed in L.A.R. No.888/2012 by the Civil Judge, Senior Division, Jalgaon.
4. It is evident from the record that there is delay of 288 days in preferring the appeal by the applicant and that is why applicant has moved this application for condonation of delay by taking aid of Section 5 of the Limitation Act.
5. Learned A.G.P. for respondent no.1/State and learned Counsel appearing for respondent no.2/Acquiring Body strongly opposed to condone the delay. Both of them submitted that no sufficient reason is assigned by the applicant for condonation of delay.

6. On the other hand, Mr Bhokarikar, learned Counsel for applicant submits that the applicant has assigned sufficient cause for condonation of delay. There are certain arguable points in the appeal to be numbered. As such, it is necessary to condone the delay.

7. Having regard to the submissions of learned Counsel for both the sides and learned A.G.P. for the State and in view of arguable points raised in the proposed appeal, it is necessary to condone the delay in view of satisfactory reasons assigned in the application for condonation of delay. With this, I conclude and proceed to pass the following order :

ORDER

(i) Civil Application for condonation of delay stands allowed in terms of prayer clause (B) on condition that the applicant shall not claim statutory benefits and interest provided under the Land Acquisition Act, 1894 for the delayed period. The applicant shall furnish necessary undertaking to that effect with the Registrar (Judicial) of this Court.

(ii) After furnishing undertaking by the applicant, the appeal be scrutinised as per procedure and it be numbered and placed for admission.

(SHRIKANT D. KULKARNI, J.)