

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

CIVIL APPLICATION NO.3823 OF 2021

IN

FAST/13321/2020

DEVIDAS MANIK JAGTAP

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR
AND ANOTHER

....

Mr. N.G. Kale, Advocate for the Applicant

Ms. Preeti V. Diggikar, AGP for Respondent No.1 / State

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 08th DECEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / original claimant.
2. Heard Mr. N.G. Kale, learned counsel for the applicant / original claimant and Ms. Diggikar, learned AGP for respondent no.1 / State. Respondent no.2 though duly served, remained absent.
3. Mr. N.G. Kale, learned counsel for the applicant / original claimant submits that the applicant is poor agriculturist. He could not arrange for the funds and as a result of it, delay is caused. The delay is not intentional. He has assigned sufficient reasons in the application for condonation of delay in paragraph nos. 5 to 7. He urged to condone the delay.

4. Ms. Diggikar, learned AGP for respondent no.1 / State strongly opposed to condone the delay. She submits that the delay is more than eight years. No sufficient reasons are assigned by the applicant for condonation of delay. The delay is inordinate. The application for condonation of delay needs to be dismissed.

5. It is true that the delay caused in this case is inordinate and it seems to be delay of 2915 days (which approximately comes to more than eight years). However, the applicant has assigned reasons in application, more particularly in paragraph nos. 5 to 7, which appear to be satisfactory. The applicant being agriculturist could not arrange for the funds and ultimately resulted in delay. The applicant shall not be entitled to get statutory benefits and interest for the delayed period. The delay can be condoned subject to payment of costs, which would meet the ends of justice.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (B) on condition to deposit costs of Rs.5,000/- with the Secretary, High Court Legal Services Sub-Committee at Aurangabad within two months from today.
- (ii) The applicant / original claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating 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, which is condoned today by this Court.

- (iii) If the amount of costs is deposited by the applicant within time and if undertaking is furnished as stated above, the Registry to make scrutiny of the appeal and it be numbered and place before the concerned Court for admission.
- (iv) If the above said order is not complied within time, the application for condonation of delay shall stand dismissed without making back reference to this Court.
- (v) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane