

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

**39 CIVIL APPLICATION NO.4188 OF 2021
IN FAST/14166/2020**

**LAXMAN SUKDEO PATIL
VERSUS
THE COLLECTOR JALGAON, COLLECTOR OFFICE PREMISES,
JALGAON AND ORS**

Mr M.M. Bhokarikar, Advocate for applicant
Mr A.M. Phule, A.G.P. for respondents no.1 and 3
Mr A.D. Pawar, Advocate for respondents no.2 and 4

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 25th October, 2021

PER COURT :

1. Mr Phule, learned A.G.P. waives notice for respondents no.1 and 3 and learned Counsel Mr Pawar waives notice for respondents no.2 and 4. The service is complete.

2. Heard Mr Bhokarikar, learned Counsel for the applicant, Mr Phule, learned A.G.P. for respondents no.1 and 3 and Mr Pawar, learned Counsel for respondents no.2 and 4.

3. It is an application for condonation of delay of 496 days in preferring the appeal. Mr Phule, learned A.G.P. and Mr Pawar, learned Counsel for respective respondents opposed to condone the delay.

4. Mr Bhokarikar, learned Counsel for the applicant submits that the applicant has assigned sufficient reasons to condone the delay and appeal may be registered.

5. It is evident from the record that there is delay of 496 days in preferring the appeal against the impugned judgment and award passed in L.A.R.No.449/2011 dated 7.8.2018 passed by the Civil Judge, Senior Division at Jalgaon. The applicant has assigned sufficient reasons for condonation of delay. There are arguable points in the appeal and as such, delay needs to be condoned to decide the appeal on its own merits. At the same time, the applicant shall be put to condition that he shall not claim statutory benefits for the delayed period. With this, I conclude and proceed to pass the following order:

ORDER

- (i) Civil Application stands allowed in terms of prayer clause (B).
- (ii) The applicant/appellant shall not claim statutory benefits and interest as per the provisions of the Land Acquisition Act, 1894 for the delayed period and he shall furnish undertaking to that effect with the Registrar (Judicial) of this Court.
- (iii) On furnishing the undertaking by the applicant/appellant, the appeal be registered after due scrutiny and it be numbered and be placed for admission.
- (iv) Call Record and Proceedings.

(SHRIKANT D. KULKARNI, J.)