

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

37 CIVIL APPLICATION NO.13152 OF 2017
IN FAST/16675/2017

GOVINDA WAMAN MANKAR (DEAD) THR LRS INDUBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants : Shri Pawar h/f Shri Kale Ajeet B.
AGP for Respondent Nos. 1 & 2 : Shri P.M.Kulkarni
...

CORAM : M. G. SEWLIKAR, J.

DATE : 15th FEBRUARY, 2021.

PER COURT :

1. Heard.
2. Shri Pawar, learned counsel h/f Shri Kale, learned counsel for the applicants states that the delay is of 745 days is caused in filing appeal because of the drought like situation. He submitted that applicants have become landless and they also have not received the amount of compensation till date.
3. Shri. Kulkarni, learned AGP for respondent Nos. 1 & 2 objected to the condonation of delay on the ground that no sufficient cause is made out.
4. Shri Pawar, learned counsel for the applicants submitted

that applicants will not ask for interest on the amount of compensation for the delayed period.

5. The Hon'ble Supreme Court in the case of **Ningappa Thotappa Angadi Vs. Special Land Acquisition Officer and another decided on 13.12.2019 in Civil Appeal No. 9415 of 2019 arising out of Special Leave Petition (C) No. 11015 of 2017**, has held as under :-

"15. Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hyper-technical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the Court has to be pragmatic and not pedantic."

6. Having regard to the law laid down by the Hon'ble Supreme Court matter cannot be dismissed solely on the ground of delay. At the most what will happen is that the matter will be heard on merits. In view of this, I am inclined to condoned the delay.

7. For the reasons stated in the application, sufficient cause is made out. The applicants have alleged that they have become land less also and they have not received the amount of compensation till date.

8. In view of this delay is condoned on condition that applicants will not be entitled to statutory benefits of the interest or the period of delay.

9. Civil Application is disposed of.

10. Appeal be registered if it is otherwise fit for registration.

(M. G. SEWLIKAR)
JUDGE

mahajansb/