

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.4609 OF 2020
IN FAST/7425/2020

SANTOSH DAULAT DANGAR (DIED) THR LRS DEVKABAI AND ORS
VERSUS
SPECIAL LAND ACQUISITION OFFICER - 1 COLLECTOR
OFFICEJALGAON AND ORS

- AND -

915 CIVIL APPLICATION NO.5664 OF 2020
IN FAST/7335/2020 WITH CA/5665/2020 IN FAST/7333/2020

CHINTAMAN ONKAR PATIL (DEAD) THR LRS ANJANABAI AND ORS
VERSUS
SPECIAL LAND ACQUISITION OFFICER, 1 AND ANR

- AND -

918 CIVIL APPLICATION NO.9898 OF 2021
IN FAST/15248/2020

PUNAMCHAND RAMDAS KHANGAR
VERSUS
SPECIAL LAND ACQUISITION OFFICER- 1 JALGAON AND ANR

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Mr S.S. Mahajan, Advocate for applicants
Mr B.V. Virdhe, A.G.P. for respondent no.1 in C.A.No.4609 of 2020
Mr P.M. Kulkarni, A.G.P. for respondent no.1 in C.A.No.5664 of 2020, 5665 of 2020 and 9898 of 2021

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 3rd December 2021

PER COURT :

1. Mr S.S. Mahajan, Advocate for applicants, Mr B.V. Virdhe, A.G.P. for respondent no.1 in C.A.No.4609 of 2020, Mr P.M. Kulkarni, A.G.P. for respondent no.1 in C.A.No.5664 of 2020, 5665 of 2020 and C.A.No. 9898 of 2021 are present. None present for respondent no.2, though duly served.

2. These are the applications for condonation of delay moved by the applicants/original claimants by taking aid of Section 5 of the Limitation Act, 1963.

3. Mr Mahajan, learned Counsel for the applicants submits that due to financial problem the applicants could not file their respective appeals within time. There are arguable points involved in the appeals. He submitted that in the interest of justice, delay needs to be condoned.

4. Learned A.G.P.s for respondent no.1/State strongly opposed to condone the delay. They submitted that there is inordinate delay in preferring the appeals. The delay is more than six years and no satisfactory reasons are assigned by the applicants for condonation of delay.

5. Having regard to the submissions made by the learned Counsel for respective sides, I have gone through the applications for condonation of delay. The applicants have assigned sufficient reasons in their applications for condonation of delay, which are found satisfactory. The applicants are farmers. Due to financial difficulties they could not arrange for the funds to prefer the respective appeals in time. It was not intentional delay on their part. Moreover, some arguable points are involved in the appeals.

6. For the reasons stated in the applications and looking to the arguable points involved in the appeals, the delay needs to be condoned in respective applications.

ORDER

(i) The Civil Application Nos.4609 of 2020, 5664 of 2020, 5665 of 2020 and 9898 of 2021 are hereby allowed in terms of prayer clause (B).

(ii) The applicants shall file usual undertaking with the Registrar (Judicial) of this Court stating that they shall not claim statutory benefits and interest as per the provisions of Land Acquisition Act in respect of delayed period, which is condoned today.

(iii) Only after furnishing such undertaking by the respective applicants with the Registrar (Judicial), office to make scrutiny of the appeals and the appeals be numbered and be placed before the Court for admission.

(iv) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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