

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

**17 CIVIL APPLICATION NO.11118 OF 2017
IN FAST/18770/2017**

ASHOK GUNDAPPA UJANKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/11114/2017 IN FAST/18852/2017
WITH CA/11116/2017 IN FAST/18847/2017
WITH CA/11117/2017 IN FAST/18859/2017

...
Advocate for Applicants : Shri Laxmikant C.Patil
AGP for Respondents-State : Shri P.M.Kulkarni

...
...
CORAM : M.G.SEWLIKAR, J.

DATE: 26th February, 2021

PER COURT:-

1. Heard Shri L.C.Patil, learned counsel for the applicants and Shri P.M.Kulkarni, learned AGP for the respondents-State.
2. Delay of 917 days is committed in preferring the appeals. According to the applicants, being agriculturists, they had no knowledge about the legal proceedings. They have lost the only source of their income because of acquisition of land. Learned counsel for the applicants states that the applicants have not received amount of compensation.
3. Shri Kulkarni, learned AGP objects to the condonation of delay contending that no sufficient cause is made out.

4. 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 2015, the Hon'ble Supreme Court has observed that matters cannot be dismissed on the ground of technicalities. It has been held in this decision of the Hon'ble Supreme Court 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 limitation. In the matter of compensation for land acquisition, we are of the view that approach of this Court has to be pragmatic and not pedantic.

5. In view of above, sufficient cause is made out by the applicants for condonation of delay. Learned counsel for the applicants submits that the applicants will not claim statutory benefits and/or interest for the period of delay. In view of this, applications are allowed. Delay is condoned. It is made clear that if the applicants succeed in appeals, they will not be entitled to claim statutory benefits and/or interest for the period of delay.

**(M.G.SEWLIKAR)
JUDGE**

SPT