

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.11080 OF 2018
IN FAST/19258/2018 WITH CA/11084/2018 IN FAST/19344/2018 WITH
CA/11082/2018 IN FAST/19349/2018 WITH CA/11081/2018 IN
FAST/19352/2018

SOMNATH PANDU SHELKE
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIV.OSMANABAD AND ORS

Mr V.M. Humbe, Advocate for applicant
Mr B.V. Virdhe, A.G.P. for respondents no.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 3rd December 2021

PER COURT :

1. Heard Mr V.M. Humbe, learned Counsel for the applicant and Mr B.V. Virdhe, learned A.G.P. for respondents no.2 and 3/State. None present for respondent no.1/acquiring body when the matter is called out.
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 Humbe, 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. Mr Virdhe, learned A.G.P. for respondents no.2 and 3/State strongly opposed to condone the delay. He submitted that there is inordinate delay in preferring the appeals. The delay is more than three 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.11080 of 2018, 11081 of 2018, 11082 of 2018 and 11084 of 2018 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.)