

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

**CIVIL APPLICATION NO.4149 OF 2021
IN
FAST/19510/2020**

**SANJAY HARI PATIL AND ANOTHER
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PRAKALP HATNOOR, JALGAON AND ANOTHER**

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Mr. M.M. Bhokarikar, Advocate for the Applicants
Mr. A.M. Phule, AGP for Respondent No.1
Mr. Subhash Chillarge, Advocate for Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 17th NOVEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants. There seems to be delay of 88 days in preferring the first appeal.

2. Heard Mr. M.M. Bhokarikar, learned counsel for the applicants and Mr. Subhash Chillarge, learned counsel for respondent no.2 and Mr. A.M. Phule, learned AGP for Respondent No.1.

3. For the reasons stated in the application for condonation of delay in para 3, and looking to the arguable points involved in the appeal, the delay needs to be condoned. At the same time, the applicants shall not be entitled to get statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period. Hence, the following order:-

ORDER

- (i) The application for condonation of delay moved by the applicants / original claimants is hereby allowed.
- (ii) The applicants / original claimants shall furnish undertaking that they would not claim the statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period condoned today by this Court.
- (iii) The Registry is directed to register the appeal after due scrutiny as per procedure and thereafter it be placed before the Court for admission.
- (iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE