

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

**CIVIL APPLICATION NO.8932 OF 2021
IN
FAST/20131/2020**

**PRAKASH S/O BHANUDAS MHASKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
JALNA AND OTHERS**

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Mr. D.M. Pingale, Advocate for the Applicant.
Mr. A.M. Phule, AGP for Respondent Nos.1 and 2 / State

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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 applicant /original claimant.

2. Heard Mr. D.M. Pingale, learned counsel for the applicant and Mr. A.M. Phule, learned AGP for respondent nos. 1 and 2. Respondent no.3 / acquiring body though duly served, none appeared for respondent no.3 / acquiring body. Perused the papers.

3. The learned A.G.P for the respondent nos 1 and 2 / State opposed to allow this application and submitted that no sufficient cause is assigned by the applicants for condonation of delay.

4. There is delay of 1335 days in preferring the first appeal at the hands of applicant / original claimant. According to Mr. Pingale, learned counsel for the applicant, the applicant / original claimant received the amount in the year 2019 itself, and as such, the delay was caused in filing the first appeal. That ground does not appear to be sound. However, in the interest of justice and looking to the arguable points involved in the appeal, I am of the view to condone the delay, however, subject to payment of costs, which would meet the ends of justice. Hence, the following order:-

ORDER

(i) The application for condonation of delay moved by the applicant / original claimant is hereby allowed subject to payment of costs of Rs.5,000/- to the High Court Legal Services Sub Committee, Aurangabad within period of one month from today.

(ii) The applicant / original claimant shall furnish undertaking that they would not claim the statutory benefits as well as amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period condoned today by this Court.

(iii) If the above clauses of order are complied, Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the Court for admission.

(iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane