

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

**917 CIVIL APPLICATION NO.8824 OF 2018
IN FA/3129/2016**

SHANTABAI SHAMRAO PATIL DIED THR LRS CHAMELIBAI@DURGABAI
NAMDEO CHOUDHARI AND ORS

VERSUS

SUB-DIVISIONAL OFFICER, BHUSAWAL DIVN AND ORS

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Advocate for Applicants : Mr. Chandrakant P. Patil

AGP for Respondent No. 2 : Mr. A.M.Phule

Advocate for Respondent No. 3 : Mr. S.S.Dande

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26-10-2021.

PER COURT :

01. Heard Mr. C.P. Patil, learned Advocate for the applicants, Mr. Phule learned A.G.P. for the State and Mr. S.S.Dande, learned Advocate for the respondent No. 3. The applicants have filed this application for condonation of delay under Section 5 of the Limitation Act, 1963.

02. In this application there is a delay of 113 days.

03. Mr. Phule, learned A.G.P. for the State opposed to condone the delay. He submits that there are no sufficient reasons to condone the delay.

04. By looking to the volume of delay and in order to decide the appeal on merits, it is necessary to condone

the delay in the interest of justice. At the same time the applicants cannot be permitted to avail the statutory benefits plus interest available under the Land Acquisition Act, 1894 for the delayed period.

05. Having regard to the above reasons, I proceed to pass following order;

ORDER

01. Civil Application No. 8824/2018 stands allowed on condition that the applicants in the this application for condonation of delay shall not claim statutory benefits plus interest available under the Land Acquisition Act, 1894 for the delayed period which is condoned.

02. The applicants shall furnish undertaking to that effect with the registry.

03. After furnishing the undertaking to the satisfaction of the Registrar (Judicial), the appeal be registered as per due scrutiny and placed before this Court on 7.12.2021.

[SHRIKANT D. KULKARNI]

JUDGE