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

**CIVIL APPLICATION NO.4279 OF 2021
IN
FAST/24229/2020**

**SAHEBRAO S/O RANGOJI DUGANE (SINCE DECEASED)
THROUGH LRS. SARJABAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH, COLLECTOR JALNA
AND OTHERS**

....

Mr. Arun H. Koralkar, Advocate for the Applicants
Mr. B.V. Virdhe, AGP for Respondent Nos. 1 and 2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 30th NOVEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants by taking aid of Section 5 of the Limitation Act, 1963.

2. Heard Mr. A.H. Koralkar, learned counsel for the applicants and Mr. B.V. Virdhe, learned AGP for respondent nos.1 and 2. Respondent No.3 / Executive Engineer, Nimna Dudhana Project, Division Sailu though duly served, remained absent when matter is called out.

3. There seems to be delay of 333 days in preferring the present appeal and that's why the applicants have prayed to condone the delay.

4. Mr. Koralkar seeks leave to place on record the copy of the order passed by this Court in civil application no. 2067/2019 with connected civil applications arising out of respective first appeal stamp numbers dated 24.06.2021. He submits that this Court was pleased to condone the delay in the said matters, which arise from the same village and that too in connected appeal on stamp numbers. The copy of order passed in civil application no. 2067/2019 in first appeal (stamp) no. 35251 with connected matters is taken on record and marked as 'X' for identification.

5. For the reasons stated in the application for condonation of delay, more particularly in paragraph nos.4 and 5, the delay needs to be condoned by taking the same view, which has been earlier taken by this Court in the above referred matters. Equally, the appellants / original claimants 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.

ORDER

(i) The application is hereby allowed in terms of prayer clause
(A)

(ii) The applicants / original claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating 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 concerned Court for admission.

(iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane