

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

940 CIVIL APPLICATION NO.6679 OF 2017
IN FIRST APPEAL [STAMP] NO. 32800 OF 2016

NILKANTH KISAN KALE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

AND

CIVIL APPLICATION NO.6680 OF 2017
IN FIRST APPEAL [STAMP] NO.32940 OF 2016

PANDHARINATH DATTU KALE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

AND

CIVIL APPLICATION NO.6681 OF 2017
IN FIRST APPEAL [STAMP] NO.32931 OF 2016

ANKUSH RAGHUNATH KALE
DECEASED THROUGH L.Rs.
DHONDIBAI ANKUSH KALE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...

Mr.Kalyan V. Patil, Advocate for the applicants in all Applications.

Mr.K.S.Patil, AGP for the respondent-State in all Applications.

...

**CORAM : V. K. JADHAV, J.
DATED : 01.09.2021**

PER COURT :

1] Heard learned counsel for the applicants and learned AGP for respondent 1 – State.

2] The applicants are the original claimants in LAR Nos.408/2006, 402/2006 and 397/2006. Being aggrieved by the judgment and award passed by the Reference Court on 18.04.2013, the applicants – original claimants have preferred these Appeals, which are delayed by 1129 days.

3] Learned counsel for the applicants submits that the applicants are the agriculturists and due to financial constraint, they could not file appeal within limitation. Learned counsel for the applicants, on instructions, submits that the applicants are also ready to forgo the interest for the period of delay i.e. 1129 days caused in filing appeals.

4] Learned AGP for the respondent – State submits that there is an inordinate delay in preferring appeals, which is not satisfactorily explained. Applications are, thus, liable to be rejected.

5] None present for respondent no.2 – acquiring body though duly served.

6] The applicants are the original claimants; they are agriculturists by occupation. It appears that due to financial constraint, they could not file appeals within a period of limitation. The applicants are also ready to forgo the interest for the period of delay i.e. 1129 days occurred in preferring appeals.

7] In view of above and for the reasons stated in the applications, the applications are allowed in terms of prayer clause-B subject to the condition that the applicants shall not be entitled to claim the interest for the period of delay i.e. 1129 days in case the Appeals preferred by the applicants are allowed for enhancement of compensation.

8] Civil Applications are disposed of accordingly.

[V. K. JADHAV, J.]

DDC