

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

933 CIVIL APPLICATION NO.1648 OF 2017
IN FIRST APPEAL [STAMP] NO.37852 OF 2016
KISAN S/O. BHUJANGRAO GORE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

AND

CIVIL APPLICATION NO.1649 OF 2017
IN FIRST APPEAL [STAMP] NO. 38005 OF 2016
SHIVAJI BHAHURAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

AND

CIVIL APPLICATION NO.1650 OF 2017
IN FIRST APPEAL [STAMP] NO.38027 OF 2016
PANDHARI DHONDIBA KASALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

CIVIL APPLICATION NO. 1651 OF 2017
IN FIRST APPEAL [STAMP] NO.37997 OF 2016
HAUSHABAI GOVIND GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

CIVIL APPLICATION NO. 1652 OF 2017
IN FIRST APPEAL [STAMP] NO.38025 OF 2016
NARSING BHAURAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

CIVIL APPLICATION NO.1653 OF 2017
IN FIRST APPEAL [STAMP] NO.38009 OF 2016

KASHINATH NAMDEO DANGE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

CIVIL APPLICATION NO.1654 OF 2017
IN FIRST APPEAL [STAMP] NO.38001 OF 2016
DATTA MOHAN GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

CIVIL APPLICATION NO.1655 OF 2017
IN FIRST APPEAL [STAMP] NO.38016 OF 2016
SHIVAJI HANMANT GORE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Ms.L.R.Thakur, Advocate holding for Mr.L.C.Patil, Advocate for the applicants in all Civil Applications.

Mr.R.D.Sanap, AGP for the respondent-State in all Applications.

Mr.Avinash Patil - Barhate, Advocate holding for Mr.R.R.Imale, Advocate for respondent no.2 in all Applications.

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

PER COURT :

1] Heard learned counsel for the applicants – original claimants, learned AGP for respondent no.2 – State and learned counsel for respondent no.2 – acquiring body.

2] There is delay of 3282 days caused in filing

Appeals against the common judgment and award passed by the Reference Court in LAR Nos.166/2002, 169/2002, 175/2002, 321/2002, 168/2002, 171/2002, 173/2002 and 172/2002, decided on 24.09.2007.

3] Learned counsel for the applicants submits that the applicants are the agriculturists by occupation and due to financial constraint, the applicants could not file Appeals within the period of limitation. Learned counsel submits that in connected matters, this Court [Coram : Mangesh S. Patil, J.] in Civil Application No. 6038 of 2019 in First Appeal Stamp No.29379 of 2018 with connected Applications, has condoned the delay of 10 years in preferring Appeals against the common judgment and award passed by the Reference Court on the condition that the applicants / appellants shall not be entitled to claim interest for the period of delay. Learned counsel for the applicants, on instructions, submits that the applicants are also ready to forgo the interest for the period of 3282 days caused in filing Appeals.

4] Learned AGP for the respondent no.1 and learned counsel for respondent no.2 submit that there is inordinate delay and the same has not been satisfactorily explained. The applications seeking condonation of delay are, thus, liable to be dismissed.

5] In the connected matters, as referred by the learned counsel for the applicants and copy of the order is also placed before this Court, this Court has condoned the delay of 10 years on the condition that the applicants – appellants shall not be entitled to claim interest for the period of delay. In the instant case, the applicants are also ready to forgo the interest for the period of 3282 days.

6] In view of above and for the reasons stated in the Applications, applications are allowed in terms of prayer clause-B subject to the condition that the applicants shall not be entitled to claim interest for the period of delay i.e. 3282 days.

7] Accordingly, Civil Applications are disposed of.

[V. K. JADHAV, J.]

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