

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

**917 CIVIL APPLICATION NO.13767 OF 2017
IN FAST/39095/2016**

**SHRIRANG DATTATRAYA HONDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Advocate for Applicant : Mr. D. M. Kakade (consent
Obtained)

AGP for Respondent Nos. 1 and 2 : Mr. B.V.Virdhe

...

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 01-12-2021

PER COURT :

01. Heard Mr. D.M.Kakade, learned counsel for applicant and Mr. Virdhe, learned A.G.P. for respondent Nos. 1 and 2. None present for respondent No. 3 / acquiring body when matter is called out. As per office remarks, notice is duly served upon respondent No. 3 / acquiring body.

02. There seems to be delay of 2898 days in preferring the first appeal.

03. Mr. Kakade, learned counsel for the applicant seeks leave to place on record the copy of order passed by this Court in Civil Application No. 10581/2021 with

connected matters. Leave granted. Same is taken on record and marked as article "X" for identification.

04. Mr. Kakade points out that in connected matter delay has been condoned and prays for same relief of condonation of delay.

05. Mr. Virdhe, learned A.G.P. for the respondent Nos. 1 and 2 opposed to allow the application for condonation of delay.

06. On perusing the copy of order passed in Civil Application No. 10581/2021 with connected matters, it is noticed that my learned brother (Honourable Shri R.G.Avachat, J) vide Order dated 5.10.2021 was pleased to condone the delay subject to payment of costs of Rs. 500/- to the High Court Bar library. I do not see any reason to take different view. The same view needs to be taken and application for condonation of delay needs to be allowed with clause that the applicants shall not claim any statutory benefits and interest under the Land Acquisition Act, in respect of the delayed period, which is condoned today.

ORDER

(i) The application is hereby allowed in terms of

prayer clause (B) subject to payment of costs of Rs. 500/- to the High Court Bar library, Aurangabad.

(ii) The amount of costs shall be paid within two weeks from today.

(iii) The applicant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he shall not claim statutory benefits and interest under the Land Acquisition Act in respect of delayed period which is condoned today by this Court.

(iv) On compliance of abovesaid directions, the Registry to make scrutiny of the appeal and it be numbered and placed before the concerned Court for admission.

(v) Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]