

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

939 CIVIL APPLICATION NO.6935 OF 2022
IN FAST/1942/2021

ARUN JYOTIRAM SHELKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Dhanure Bramhanand M.
AGP for Respondent State : Mr. P. M. Kulkarni
...

CORAM : S. G. DIGE, J.
DATE : 14.07.2022

PER COURT :-

Heard learned counsel for the applicant and learned AGP.

2. Learned counsel for the applicant submits that after receiving the compensation amount, applicant has preferred this appeal so there is delay for filing the appeal. Applicants are poor farmers and learned reference Court has not considered the evidence led before him. If appeal is not admitted it would cause great injustice to the appellant. He relied on ***Ningappa Thotappa Angadi (Dead) Through Legla Representatives Versus Special Land Acquisition Officer and Another (2020) 19 Supreme Court Cases 599: 2010 SCC OnLine SC 1611***

3. Learned AGP strongly objected for condone the delay on the ground that there is inordinate delay and no proper explanation is given for delay. I have heard both the learned counsel. The land of the applicants is acquired in the year 2005 and compensation is given in the year 2017 and after receiving the compensation applicant has preferred this appeal. The Hon'ble Apex Court in the case of ***Ningappa Thotappa Angadi (Dead) Through Legla Representatives Versus Special Land Acquisition Officer and Another (2020) 19 Supreme Court Cases 599: 2010 SCC OnLine SC 1611*** held that while condoning the delay in case of land acquisition matter Court has to take pragmatic view. Hence I pass the following order

ORDER

The delay of 4834 days for filing appeal is condoned. Applicant shall not claim interest and statutory benefits for delayed period. Applicant shall file undertaking in that regard.

Appeal be registered.

**(S.G. DIGE,)
JUDGE**

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