

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO.1650 OF 2020
IN FAST/2038/2020

SANTARAM GANPATI BORADE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

Advocate for Applicant : Mr B.S. Dhawale
AGP for Respondent Nos. 1 and 2 : Mrs D.S. Jape

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5th JANUARY, 2022

PER COURT :

1. Heard Mr Dhawale, learned counsel for the applicant/original claimant and Mrs D.S. Jape, learned AGP for respondent Nos. 1 and 2.
2. None present for the acquiring body/respondent No. 3 though notice is duly served as per the bailiff report.
3. There seems to be delay of 1177 days in preferring the First Appeal.
4. For the reasons stated in the application for condonation of delay para Nos. 2 and 3 and in the interest of justice and looking to the fact that the land of the claimant was acquired under the nature of compulsory acquisition, the delay needs to be condoned. However, the claimant shall not be entitled for the statutory benefits and interest in respect of the delayed period. He has to furnish undertaking to that effect.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (A) and (B) on condition that applicant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he shall not claim statutory benefits and interest in respect of the delayed period.
- (ii) After furnishing such undertaking by the applicant/claimant, the Registry to make scrutiny of the Appeal as per the procedure and it be numbered and placed before the Court for Admission.
- (iii) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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