

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

924 CIVIL APPLICATION NO.11841 OF 2021
IN FAST/10335/2020

EKNATH MOHONAJI (DIED) THR LRS PADMINBAI EKNATH GOLEKAR
(DIED) THR LRS CHANDRAKALA SAVANKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
NANDED AND OTHERS

...

Advocate for Applicants : Mr. Laxmikant C. Patil.
AGP for Respondent/State: Mr. A. B. Chate.
Advocate for Respondent No.2: Ms. Sunita D. Shelke.

...

AND
925 CIVIL APPLICATION NO.11843 OF 2021
IN FAST/10354/2020

GANPATI VITOBA BANBARE (DIED) THR LRS
SANJAY GANPATI BANBARE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
NANDED AND OTHERS

...

Advocate for Applicant : Mr. Laxmikant C. Patil.
AGP for Respondent/State: Mr. P. M. Kulkarni.
Advocate for Respondent No.3: Ms. Sunita D. Shelke.

...

AND
926 CIVIL APPLICATION NO.11844 OF 2021
IN FAST/2293/2020

AAPARAO HULBA BANBARE (DIED) THR LRS
DIGAMBAR AAPARAOBANBARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Laxmikant C. Patil.
AGP for Respondent/State: Mrs. D. S. Jape.
Advocate for Respondent No.3: Ms. Sunita D. Shelke.

...

AND
927 CIVIL APPLICATION NO.11845 OF 2021
IN FAST/2280/2020

VITTHAL NIVRATTI BANBARE
VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Applicant : Mr. Laxmikant C. Patil.
 AGP for Respondent/State: Mr. S. G. Gunale.
 Advocate for Respondent No.3: Ms. Sunita D. Shelke.

...
AND
928 CIVIL APPLICATION NO.11846 OF 2021
 IN FAST/2355/2020

RAMRAO VITTHAL BANBARE
VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Applicant : Mr. Laxmikant C. Patil.
 AGP for Respondent/State: Mr. A. B. Chate.
 Advocate for Respondent No.3: Ms. Sunita D. Shelke.

...
AND
929 CIVIL APPLICATION NO.11847 OF 2021
 IN FAST/2360/2020

BALAJI JAYWANTRAO KOTHARE AND ANOTHER
VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Applicants : Mr. Laxmikant C. Patil.
 AGP for Respondent/State: Mr. P. M. Kulkarni.
 Advocate for Respondent No.3: Ms. Sunita D. Shelke.

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 13th January, 2022.

P.C.:

. These are the applications for condonation of delay moved by
 the applicants/original claimants.

2 Heard Mr. L. C. Patil, learned counsel for applicants/original claimants, respective learned AGPs for respondent/State and Ms.Shelke, learned counsel for respondent/acquiring body.

3 The respective learned AGPs for respondent/State and Ms.Shelke, learned counsel for respondent/acquiring body strongly opposed to condone the delay. Both of them submitted that no satisfactory reasons are assigned by the original claimants for condonation of delay and therefore, the applications are liable to be dismissed.

4 On the other hand, Mr. L. C. Patil, learned counsel for applicants/original claimants submits that the applicants are poor agriculturists. They could not arrange for the funds to prefer appeals within limitation. The delay was not intentional. It is necessary to condone the delay for the ends of justice.

5 In Civil Application No.11841 of 2021 there is delay of 375 days, in Civil Application No.11843 of 2021 there is delay of 119 days, in Civil Application No.11844 of 2021 there is delay of 156 days, in Civil Application No.11845 of 2021 there is delay of 7 days, in Civil Application No.11846 of 2021 there is delay of 95 days and in Civil Application No.11847 of 2021 there is delay of 14 says.

6 The applicants/original claimants are agriculturist, whose lands came to be acquired by way of compulsory acquisition. The claimants could not arrange for the funds to prefer appeals within time due to their financial crunch. This aspect needs to be considered sympathetically. If the prayer for condonation of delay is turned down, the appeals of poor farmers would be thrown away at the threshold. It may cause injustice.

7 Having regard to the above reasons and discussion, I am of the view to condone the delay in all the civil applications in the interest of justice. Hence, the following order is passed:

ORDER

- I. The civil applications are hereby allowed in terms of prayer clause (B) on condition that the applicants / original claimants in the respective civil applications shall not claim statutory benefits and interest in respect of delayed period, which is condoned today and they have to furnish necessary undertaking with the Registrar (Judicial) of this Court stating that they shall not claim statutory benefits and interest as provided under the Land Acquisition Act, 1894 for the delayed period.
- II. After furnishing such undertaking by the applicants/original claimants, the Registry to

make scrutiny of the appeals as per the procedure and they be numbered and placed before the Court for admission.

III. The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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