

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.2340 OF 2010
IN FAST/2509/2010

YOGRAJ TULSHIRAM PATIL AND ORS
VERSUS
THE SPECIAL LAND ACQ OFFICER UPPER TAPI PROJECT HUTUNUR
2 AND ANR

...
Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents : Mr. P.M. Kulkarni
Advocate for Respondent No.2 : Ms. Chaitali Kutti Choudhary

...

CORAM : S.G. MEHARE, J.

DATED : 07th JUNE, 2022.

PER COURT:-

1. Heard learned counsel Shri A.B. Kale for the applicants, learned AGP for respondent no.1 and Ms. Chaitali Kutti Choudhary for respondent no.2.

2. This is an application for condonation of a delay of 1215 days. The Hon'ble Apex Court in the case of Dhiraj Singh (Dead) Through Legal Representatives and Others Vs. State of Haryana and Others, (2014) 14 SCC 127, has taken the view that the Court should be pragmatic and liberal while condoning the delay.

3. Learned counsel for respondent no.2 would submit that the delay may be condoned, but no interest for the delayed period shall be granted to the applicants. The objection raised by the learned counsel for respondent no.2 is just, reasonable, and in the tune of law.

(2)

By imposing certain conditions, the application may be allowed.

Hence, the following order:

ORDER

- I) The application is allowed.
- II) The delay of 1215 days caused in preferring the appeal is condoned. However, the applicant shall not be entitled to the interest or any other monetary benefit for 1215 days.
- III) No order as to costs.
- IV) In appeal, issue notice to the respondents. Learned AGP waives service of notice for respondent no.1, and Ms. Chaitali Kutti Choudhary waives service of notice for respondent no.2.
- V) Call record and proceedings.
- VI) List the appeal after eight weeks.
- VII) The appellant shall provide the respondent with a copy of the appeal memo.

(S.G. MEHARE, J.)