

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

912 CIVIL APPLICATION NO.2363 OF 2022
IN FAST/3234/2022 WITH FA/247/2022

NILKANTH S/O NIVRUTI NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ANR

Mr N.D. Kendre, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondents no.1 and 2/State

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. Heard.
2. Issue notice to respondents. Mr A.B. Chate, learned A.G.P. waives notice for respondents no.1 and 2/State.
3. Heard Mr N.D. Kendre, learned Advocate for applicants/original claimants and Mr Chate, learned A.G.P. for respondents no.1 and 2/State on the point of condonation of delay.
4. Mr Chate, learned A.G.P. for State strongly opposed to condone the delay. He submitted that no sufficient reasons are assigned by the claimant for condonation of delay.
5. Mr Kendre submitted that the claimant is poor agriculturist and he could not arrange for the funds to prefer the appeal within time. He submitted that in similar matters, arising out of same project and acquisition, this Court was pleased to condone the delay while deciding Civil Application No.60 of 2020 in First Appeal St.No.33321 of 2021 with connected matter.

6. Mr Chate, learned A.G.P. for the State fairly concedes this position regarding condonation of delay in similar application arising out of the same project and acquisition. By taking the same view, it is necessary to allow this application.

ORDER

(i) The Civil Application is hereby allowed in terms of prayer clause (B) on condition that the applicant/claimant shall furnish undertaking to the satisfaction of Registrar (Judicial) of this Court stating that he would not claim statutory benefits and interest in respect of the delayed period, which is condoned today.

(ii) After furnishing such undertaking by the applicant, the Registry to make scrutiny of the appeal as per 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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