

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

926 CIVIL APPLICATION NO.2842 OF 2022
IN FAST/3814/2022

BALAJI S/O SAMBHAJI JADHAV (DIED)
THR LRS JIJABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA
THR DISTRICT COLLECTOR, NANDED AND ORS

...

Advocate for Applicants : Mr U.B. Bilolikar
AGP for Respondent-State : Mr P.M. Kulkarni

AND

927 CIVIL APPLICATION NO.2844 OF 2022
IN FAST/3812/2022

VISHWAMBHAR MAROTI JADHAV AND ANR.

VERSUS

THE STATE OF MAHARASHTRA
THR DISTRICT COLLECTOR, NANDED AND ORS

...

Advocate for Applicants : Mr U.B. Bilolikar
AGP for Respondent-State : Mr S.P. Deshmukh

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 10th March, 2022

PER COURT :

1. Heard Mr U.B. Bilolikar, learned counsel for the applicants and the learned AGPs for the State in respective applications on the point of condonation of delay.
2. Issue notice to respondent Nos. 1 to 3. The learned AGPs in respective applications waive notice for respondent Nos. 1 to 3 in respective applications.
3. The learned AGPs for the State opposed to condone the delay. They submitted that no sufficient reasons are assigned by the claimants to condone the delay.

4. Mr Bilolikar, learned counsel for the applicants/claimants submitted that the applicants are poor farmers. They could not arrange for the funds to prefer the appeal within time. The delay was not intentional. The delay needs to be condoned in view of the matters arising out of compulsory land acquisition.

5. Having regard to the guidelines laid down by the Hon'ble Supreme Court in case of ***Dhiraj Singh Vs. Haryana State reported in MANU/SC/0778/2014***, it is necessary to condone the delay since in both these applications, it is found that these proposed appeals are out of compulsory land acquisition for enhancement of compensation. The delay needs to be condoned, by taking liberal view in view of the guidelines laid down by the Hon'ble Supreme Court in the above cited decision.

ORDER

- (I) The applications are hereby allowed in terms of prayer clause (A) and (B) on condition that the applicants/original claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating that they shall not claim statutory benefits and interest for the delayed period.
- (II) After furnishing the said undertaking by the respective claimants/applicants, Registry to make scrutiny of these appeals and thereafter, those 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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