

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

910 CIVIL APPLICATION NO.2214 OF 2017
IN FAST/1038/2017

SUSHILABAI BAPURAO GITE

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR LATUR AND ANR

...

Advocate for Applicant : Mr Parvez Syed
AGP for Respondent No. 1/State : Mr S.N. Morampalle

WITH
CIVIL APPLICATION NO. 2215 OF 2017
IN FAST/1040/2017

BAPURAO TUKARAM MULE

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR LATUR AND ANR

...

Advocate for Applicant : Mr Syed Parvez Syed Gani
AGP for Respondent No. 1/State : Mr S.N. Morampalle

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 10th March, 2022

PER COURT :

1. These are the applications for condonation of delay moved by the applicants/original claimants.
2. Heard Mr Syed Parvez Syed Gani, learned counsel for the applicants and Mr S.N. Morampalle, learned AGP for respondent No.1/State.
3. Respondent No. 2 though duly served, remained absent when the matter is called out.

4. Mr Syed Parvez Syed Gani, learned counsel for the applicants submitted that the applicants are poor farmers. They could not prefer an appeal within time due to financial difficulty. He therefore, urged to condone the delay.

5. Mr Morampalale, learned AGP for respondent No.1/State opposed to allow these applications. He submitted that the reason assigned by the applicants in both these applications is neither convincing nor strong. Both delay applications may be dismissed.

6. In both the matters, there is delay of 68 days in preferring the appeals. The applicants are poor farmers. Their land came to be acquired by way of compulsory land acquisition.

7. 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***, the delay needs to be condoned since it is a case of compulsory land acquisition. A different approach needs to be taken while condoning the delay arising out of land acquisition matters for compensation. The appeals cannot be thrown away at the threshold on account of technicality of limitation. The Court is required to have the liberal view. Therefore, both the applications need to be allowed.

ORDER

(I) Both the applications stand allowed in terms of prayer clause (B) on condition that the applicants shall furnish usual undertaking with the Registrar (Judicial) of this Court that they shall not claim statutory benefits and interest in respect of delayed period.

- (II) The Registry to make scrutiny of these appeals as per the procedure and thereafter, those be numbered and placed before the Court for admission.
- (III) Both the civil applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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