

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9530 OF 2021
IN FAST/4424/2020

RAMDAS DNYANOBA TONPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Arun H. Koralkar
AGP for Respondents No.1 and 2 : Mr. G. O. Wattamwar
Advocate for Respondent No.3 : Mrs. Surekha G. Chincholkar
...

CORAM : S. G. MEHARE, J.

DATE : 06-06-2022

PER COURT :-

Heard learned counsel for the applicant-original claimant, the learned AGP for respondents no. 1 and 2 and the learned counsel for respondent no.3 – acquiring body.

2. The application seeking condonation of 1555 days delay caused in preferring the first appeal against the impugned Judgment and Award passed by the learned 3rd Joint Civil Judge Senior Division, Jalna, in Land Acquisition Reference No. 765 of 2010 dated 31.07.2015.

3. This Court, by order dated 07.10.2021 has observed in paragraph no. 3 and 4 as follows -

"3. There is delay of 1555 days in preferring the appeal. The appeal alongwith application for condonation of delay was filed in January 2020. After a long gap of little over one and half years, the applicant has sought circulation of this application for the first time. This Court found it to be the case not to condone the delay. However, Respondent no. 3 is yet to be served with the notice of the application.

4. If at all the application is to be allowed, the applicants may not be entitled for the component of interest or any other monetary benefits for the delayed period of 1555 days in preferring the appeal plus the delay of little over one and half years in seeking circulation of this application."

4. For the reasons mentioned in the application, the delay is condoned on the condition that the applicant-claimant shall not be entitled to the interest accrued for the delayed period of 1555 days. In addition, the applicant-claimant would not be entitled to the other monetary benefits for the delayed period in preferring the first appeal as observed in the order dated 07.10.2021.

5. Civil application is allowed and disposed of accordingly.

6. On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for respondents no.1 and 2, and Mrs. S. G. Chincholkar, the learned counsel, waives service of notice for respondent no.3.

7. Call for record and proceedings.

(S. G. MEHARE)
JUDGE