

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4901 OF 2020
IN FAST/4716/2019

BHANUDAS APPA TARWATE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Arun H. Koralkar
AGP for Respondents No.1 and 2 : Mr. N. T. Bhagat
Advocate for Respondent No.3 : Mr. Ruturaj C. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 06-06-2022

PER COURT :-

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

2. The applicants are seeking the condonation of 657 days delay caused in preferring the first appeal against the impugned Judgment and Award passed by the learned Joint Civil Judge Senior Division, Jalna, in Land Acquisition Reference No. 201 of 2010 dated 19.01.2017.

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

"3. There is delay of 657 days in preferring the appeal. The appeal alongwith application for condonation of delay was filed in January 2019. After a long gap of little over two and half years, the applicants have 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 657 days in preferring the appeal plus the delay of little over two and half years in seeking circulation of this application."

4. The delay is condoned conditionally for the reasons mentioned in the application. The applicants-claimants shall not be entitled to the interest accrued for the delayed period of 657 days. In addition, the applicants-claimants 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 Mr. Ruturaj C. Patil, the learned counsel, waives service of notice for respondent no.3.

7. Call for record and proceedings.

(S. G. MEHARE)
JUDGE