

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

**906 CIVIL APPLICATION NO.253 OF 2018
IN FAST/26710/2017
RAGHUNATH NARAYAN CHAUDHARI (DIED) VIJAY LIMBAJI CHAUDHARI AND
ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
907 CIVIL APPLICATION NO.255 OF 2018
IN FAST/26706/2017
NIMBAJI NARAYAN CHAUDHARI AND ANR
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UTPH, JALGAONAND ORS
908 CIVIL APPLICATION NO.2383 OF 2018
IN FAST/5782/2017 WITH CA/2384/2018 IN FAST/6075/2017 WITH
CA/2385/2018 IN FAST/6078/2017
UTTAM DHANSING KAYTE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Miss Sakshi A. Kale h/f. Mr. A.B. Kale, Advocate for the applicants.
Mr.S.R.Yadav-Lonikar, Mr.S.P. Tiwari and Ms.D.S. Jape, AGPs for the
respondent/State in respective matters.

**CORAM : ANIL L. PANSARE, J.
DATED : 06.07.2022**

PC :-

01. These are the applications for condonation of delay of 2837 days, 2396 days and 1370 days respectively in preferring appeals against the judgment and award passed by the Reference Court.

02. The respondents have opposed the applications. The learned AGP submits that if at all the applications are to be allowed, the interest payable on the compensation amount as awarded by the Reference Court may not be

levied from the date of filing of these applications till today because the applicants have not really pursued these applications for almost more than four years. The applicants have shown willingness to forgo the interest till the date of filing the applications.

03. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeals. Accordingly, considering the reasons assigned in the applications for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned. Once the case for condonation of delay is made out, the contentions of the learned AGP that interest till today be waived, would not survive, as both the parties are to be blamed for not circulating applications in earlier point of time.

04. Hence, the following order :-

(i) The applications stand allowed in terms of prayer clause (B) with a rider that the applicants shall not be entitled for the claim of the interest on the compensation amount as awarded by the Reference Court for the delayed period.

(ii) The delay in preferring the appeals stands condoned.

(iii) Issue notice to the respondents, returnable on 03.08.2022. The learned AGP waives service of notice for the respondent/State.

[ANIL L. PANSARE,J.]