

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

928 CIVIL APPLICATION NO.4952 OF 2022
IN FAST/6258/2021

NAMDEO PANDURANG GADEKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr D.A. Bide
AGP for Respondent No.1/State : Mr S.N. Morampalle

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

1. Heard Mr D.A. Bide, learned counsel for the applicant/claimant and Mr S.N. Morampalle, learned AGP for the State on the point of condonation of delay.
2. Issue notice to respondent Nos. 1 and 2. Mr S.N. Morampalle, learned AGP waives notice for respondent No.1.
3. There seems to be delay of 592 days in preferring the appeal. It is a case of compulsory land acquisition.
4. Having regard to the guidelines laid down by the Hon'ble Supreme Court in the case of ***Dhiraj Singh (D) Tr.Vs. Haryana State*** reported in ***MANU/SC/0778/2014***, the delay needs to be condoned. However, the applicant needs to waive statutory benefits and interest for the delayed period and he has to furnish necessary undertaking.

ORDER

- (i) The Civil Application for condonation of delay is hereby allowed in

terms of prayer clause (B) on condition that the applicant shall furnish necessary undertaking with the Registrar (Judicial) of this Court stating therein that he shall not claim statutory benefits and the interest in respect of the delayed period.

- (ii) After furnishing such undertaking by the claimant, the Registry is directed to make scrutiny of the appeal as per procedure and it be numbered and placed before the Court for admission.
- (iii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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