

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

914 CIVIL APPLICATION NO.3877 OF 2021
IN FAST/8866/2020

ATMARAM SAMPATI BONDAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA
THR THE DISTRICT COLLECTOR, OSMANABAD AND ORS

Advocate for Applicants : Mr P.B. Rakhunde
AGP for Respondent/State : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr R.B. Gaikwad

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

PER COURT :

1. It is an application for condonation of delay moved by the applicants/original claimants.
2. Heard Mr P.B.Rakhunde, learned counsel for the applicants/claimants, Mr R.B. Gaikwad, learned counsel for respondent No.3/acquiring body and Mr S.N. Morampalle, learned AGP for respondent Nos. 1 and 2/State.
3. Mr R.B.Gaikwad, learned counsel for the acquiring body and Mr S.N. Morampalle, learned AGP for the State strongly opposed to condone the delay. Both of them submitted that no sufficient reasons are assigned by the claimants to condone the delay.
4. Mr P.B. Rakhunde, learned counsel for the claimants/applicants submits that in connected matters, this Court was pleased to condone the delay vide order dated 2nd March, 2020 in Civil Application No. 13181/2019 with connected matters. He seeks leave to place on record a copy of order. Leave granted.
5. The copy of order dated 2nd March, 2020 is taken on record and marked as 'X' for identification.

6. There is delay of 2044 days in preferring the appeal.
7. It is a case of compulsory land acquisition of farmers. a different yardstick needs to be applied while deciding the application for condonation of delay arising out of land acquisition matters. Even though there is inordinate delay, the delay needs to be condoned in view of the guidelines laid down by the Hon'ble Supreme Court in case of ***Dhiraj Singh (D) Tr.Vs. Haryana State*** reported in ***MANU/SC/0778/2014***.
8. In view of guidelines laid down by the Hon'ble Supreme Court in case of ***Dhiraj Singh*** (supra), the delay needs to be condoned. However, the applicant needs to waive the statutory benefits and interest for the delayed period and they have to furnish necessary undertaking to that effect.

ORDER

- (i) The application is hereby allowed in terms of prayer clause 5(A) and 5(B).
- (ii) The applicants/claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that they would not claim statutory benefits and interest for the delayed period.
- (iii) After furnishing such undertaking by the applicants, Registry is directed to make scrutiny of the appeal and thereafter, it be numbered and placed before the Court for admission.
- (iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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