

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

915 CIVIL APPLICATION NO.3878 OF 2021
IN FAST/8873/2020

UJJAWALA SAMPATI BONDAR

VERSUS

THE STATE OF MAHARASHTRA
THR THE DISTRICT COLLECTOR OSMANABAD AND ORS

...

Advocate for Applicant : Mr P.B.Rakhunde
AGP for Respondent Nos. 1 and 2/State : Mr S.P. Deshmukh

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

PER COURT :

1. It is an application for condonation of delay moved by the applicant/original claimant.
2. Heard Mr P.B. Rakhunde, learned counsel for the applicant/claimant and Mr S.P. Deshmukh, learned AGP for the State/respondent Nos. 1 and 2.
3. Respondent No.3/acquiring body though duly served, remained absent when the matter is called out.
4. Mr S.P. Deshmukh, learned AGP strongly opposed to condone the delay.
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 he has to furnish necessary undertaking to that effect.

ORDER

- (i) The application is hereby allowed in terms of prayer clause 4(A) and 4(B).
- (ii) The applicant/claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that he would not claim statutory benefits and interest for the delayed period.
- (iii) After furnishing such undertaking by the applicant, 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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