

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

13 CIVIL APPLICATION NO.4888 OF 2020
IN FAST/10327/2019

KAMALKISHOR DWARKADAS RATHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Arun H. Koralkar.
AGP for Respondent/State: Mr. S. P. Deshmukh.
Advocate for Respondent No.3 : Mr. Shirish G. Sangle.

...

AND

15 CIVIL APPLICATION NO.5539 OF 2020
IN FAST/10341/2019

VISHNU DWARKADAS RATHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Arun H. Koralkar.
AGP for Respondent/State: Mr. S. P. Deshmukh.
Advocate for Respondent No.3 : Mr. Shirish G. Sangle.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 28th March, 2022.

P.C.:

. These are the applications for condonation of delay moved by
the applicants arising out of land acquisition appeals.

2 Heard Mr. Koralkar, learned counsel for applicants,
Mr.Deshmukh, learned AGP for respondent Nos.1 and 2/State and
Mr.S.G.Sangle, learned counsel for respondent No.3/acquiring body.

3 In Civil Application No.5539 of 2020, there is delay of 898 days and in Civil Application No.4888 of 2020, there is delay of 874 days in preferring the appeals.

4 Mr. Deshmukh, learned AGP for respondent Nos.1 and 2/State and Mr. S. G. Sangle, learned counsel for respondent No.3/acquiring body strongly opposed to condone the delay. They submitted that there is delay of more than two years in preferring the appeals. The applicants have not assigned sufficient reasons for condonation of delay. The applications are merit-less and liable to be dismissed.

5 Mr. Koralkar, learned counsel for applicants submitted that it is a case of compulsory land acquisition. The applicants could not prefer the appeals within time due to financial difficulties. The applicants have given sufficient reasons in the applications for condonation of delay. The delay needs to be condoned.

6 It is a case of compulsory land acquisition. The applicants have assigned sufficient reasons for condonation of delay in paragraphs 4 and 5. Moreover, in view of guidelines laid down by the Honourable 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. Hence, the following order is passed:

ORDER

- I. The applications are hereby allowed in terms of prayer clause (A).
- II. The applicants shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that they shall not claim statutory benefits and interest for the delayed period.
- III. After furnishing such undertaking by the applicants, the Registry to make scrutiny of the appeals as per the procedure and the appeals be numbered and placed before the Court for admission.
- IV. Civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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