

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

20 CIVIL APPLICATION NO.7427 OF 2019
IN FAST/14724/2019

ANIL EKNATH PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER - 1 U.T.P.H.
JALGAON AND ANOTHER

...

Advocate for Applicant : Mr. Madhav M. Bhokarikar.
AGP for Respondent/State: Mr. S. G. Sangle.
Advocate for Respondent No.2 : Mr. V. P. Narwade.

...

AND
21 CIVIL APPLICATION NO.7453 OF 2019
IN FAST/14598/2019

BAPU GANGARAM PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, (1) U.T.P.H.
JALGAON AND ANOTHER

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Advocate for Applicant : Mr. Madhav M. Bhokarikar.
AGP for Respondent/State: Mr. A. B. Chate.
Advocate for Respondent No.2 : Mr. V. P. Narwade.

...

AND
22 CIVIL APPLICATION NO.7460 OF 2019
IN FAST/14720/2019

SANTOSH GAJMAL PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER - 1 U.T.P.H.
JALGAON AND ANOTHER

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Advocate for Applicant : Mr. Madhav M. Bhokarikar.
AGP for Respondent/State: Mrs. D. S. Jape.
Advocate for Respondent No.2: Mr. Chetan T. Jadhav.

...

AND
23 CIVIL APPLICATION NO.7461 OF 2019
IN FAST/14722/2019

MANOHAR EKNATH PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER - 1 U.T.P.H.
JALGAON AND ANOTHER

...
Advocate for Applicant : Mr. Madhav M. Bhokarikar.
AGP for Respondent/State: Mrs. D. S. Jape.
Advocate for Respondent No.2 : Mr. V. P. Narwade.
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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 03rd January, 2022.

P.C.:

. These are the applications for condonation of delay moved by the respective claimants.

2 Heard Mr. Bhokarikar, learned counsel for applicants, respective learned AGPs for respective respondent No.1 and Mr. V. P. Narwade and Mr. Chetan T. Jadhav, learned counsel appearing for acquiring body/respondent No.2 in respective matters.

3 In Civil Application No.7460 of 2019, Mr. Bhokarikar, learned counsel for applicants invited my attention to the pursis dated 4th October, 2021 and submits that the original claimant/applicant No.2 Bhagabai Gajmal Patil is reported to be dead on 12th September, 2008 though her name is shown in the judgment. He further submits that applicant No.1 Santosh Gajmal Patil, who is her son being legal heir is already on record and there is no need to file separate application to

bring on record the legal heirs.

4 Mrs. Jape, learned AGP for respondent No.1 and Mr. Chetan T. Jadhav, learned counsel for respondent No.2 have no objection.

5 Having regard to the submissions of both the sides, there is no need to file separate application to bring on record the legal heirs of original claimant Bhagabai Gajmal Patil in view of the fact that her son applicant No.1 Santosh Gajmal Patil is already on record. However, necessary correction be made in the application as well as the array of appeal memo.

6 There seems to be delay of 241 days in three civil applications and there is delay of 243 days in Civil Application No.7460 of 2019. While passing the order dated 4th October, 2021, this Court has observed that the claimants will not be entitled for interest for the delayed period in seeking circulation of the matters.

7 Mr. Bhokarika, learned counsel for applicants submits that due to Covid-19 pandemic, the matters could not be circulated and as such, this aspect needs to be considered.

8 The learned counsels appearing for the acquiring body and the learned AGPs for the State oppose to condone the delay.

9 On perusing the respective civil applications, it is evident that these civil applications came to be filed in the year 2019 alongwith the first appeals. The Covid-19 pandemic begun since March 2020. As such, there was no difficulty for the applicants/claimants to take circulation for the applications for condonation of delay.

10 Having regard to the points involved in the appeals and looking to the reasons stated in the respective civil applications, the delay needs to be condoned, however, on condition that the claimants/applicants shall no be entitled to get the statutory benefits and interest for the delayed period as well as for the period for not taking the circulation in the respective appeals.

11 With these observations, I proceed to pass the following order:

ORDER

- I. The applications for condonation of delay are hereby allowed on condition that the applicants shall file their undertakings with the Registrar (Judicial) of this Court stating that they will not claim statutory benefits and interest in respect of the delayed period as well as the period consumed for not taking circulation in the

respective matters.

- II. After furnishing such undertakings with the Registrar (Judicial), the appeals be numbered after due scrutiny and place before the respective Court for admission.
- III. The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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