

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

917 CIVIL APPLICATION NO.3876 OF 2021
IN FAST/14175/2020

GOKUL DASHARATH KOLI
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2 UPPAR TAPI PROJECT
HATNOOR, JALGAON AND ANOTHER

...
Advocate for Applicant : Mr. Madhav M. Bhokarikar.
AGP for Respondent No.1/State: Mrs. D. S. Jape.
Advocate for Respondent No.2 : Mr. Rahul A. Tambe.
...

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

DATE : 13th January, 2022.

P.C.:

. It is an application for condonation of delay moved by the applicant/original claimant. There seems to be delay of 1903 days in preferring the appeal.

2 Heard Mr. Bhokarikar, learned counsel for applicant, Mrs. Jape, learned AGP for respondent No.1/State and Mr. Rahul Tambe, learned counsel for respondent No.2/acquiring body.

3 The learned counsel for applicant invited my attention to the reasons given in the application paragraphs 2 and 3 and urged to condone the delay for the ends of justice.

4 Mrs. Jape, learned AGP for respondent/State and Mr. Tambe,

learned counsel for acquiring body strongly opposed to condone the delay. Both of them submitted that the applicant has not assigned sufficient cause to condone the delay. The application is liable to be dismissed.

5 For the reasons stated in the application, more particularly paragraphs 2 and 3 and in the interest of justice, it is necessary to condone the delay. At the same time, the applicant shall not be entitled to get the statutory benefits and interest as provided under the Land Acquisition Ac, 1894 for the delayed period. He has to furnish undertaking to that effect with the Registry. Hence, the following order is passed:

ORDER

- I. The application for condonation of delay is hereby allowed in terms of prayer clauses (a) and (b) on condition that the applicant shall furnish necessary undertaking with the Registrar (Judicial) of this Court stating that he shall not claim statutory benefits and interest as provided under the Land Acquisition Ac, 1894 for the delayed period, which is condoned today.
- II. After furnishing such undertaking by the applicant with the Registry, the appeal be registered after

due scrutiny 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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