

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

CIVIL APPLICATION NO.4195 OF 2021 IN FAST/14179/2020

RAGHUNATH DEOCHAND PATIL

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER-2 UPPAR TAPI
PROJECT HATNOOR, JALGAON AND ANOTHER

....

Mr. M.M. Bhokarikar, Advocate for the Applicant

Mr. S.G. Sangle, AGP for Respondent No.1 / State

Mr. Rahul A. Tambe, Advocate for Respondent No.2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st FEBRUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / original claimant .

2. Heard. Mr. Bhokarikar, learned counsel for the applicant / original claimant, Mr. Rahul Tambe, learned counsel for respondent no.2 and Mr. Sangle, learned AGP for respondent no.1.

3. There seems to be delay of 1887 days in preferring the appeal. It is a case of compulsory land acquisition of the applicant. The applicant intend to prefer the appeal for enhancement of compensation against the impugned judgment and award passed by the reference Court. However, he could not prefer the appeal within time due to his poor financial condition. The applicant could not arrange for the funds and ultimately resulted in delay.

4. Mr. Tambe, learned counsel for respondent no.2 / acquiring body strongly opposed to condone the delay. He submitted that the delay is more than five years. No sufficient reasons are assigned by the applicant for condonation of delay. The delay is inordinate. The application for condonation of delay needs to be dismissed.

5. Mr. Sangle, learned AGP also opposed to allow this application on same lines.

6. For the reasons stated in the application and looking to the fact that it is a case of compulsory acquisition of land, different yardstick needs to be applied though there is a delay of more than five years in preferring the appeal. The delay needs to be condoned on condition that the applicant shall not claim statutory benefits and interest for the delayed period.

ORDER

(i) The application for condonation of delay is hereby allowed in terms of prayer clause (B) on condition that the applicant / claimant shall furnish undertaking to the Registrar (Judicial) stating that he shall not claim statutory benefits and interest for the delayed period.

(ii) After furnishing the undertaking by the applicant / claimant, the Registry to make scrutiny of the appeal as per procedure and it be numbered and then place before the Court for admission.

(iii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane