

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

CIVIL APPLICATION NO. 13235 OF 2017 IN FAST/16759/2017

**DNYANOBA NIVRUTTI SHINDE
VS
THE STATE OF MAHARASHTRA AND ANOTHER**

....

Mr. D.R. Jayabhar, Advocate for the Applicant
Mr. S.G. Sangle, AGP for Respondent Nos. 1

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th JANUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / original claimant. There seems to be delay of 863 days in preferring the first appeal.

2. Heard Mr. D.R. Jayabhar, learned counsel for the applicant and Mr. S.G. Sangle, learned AGP for respondent no.1. Respondent No.2 / acquiring body though duly served, none present when matter is called out.

3. For the reasons stated in the application for condonation of delay in para nos. 4 and 8, and looking to the legal points involved in the appeal, the delay needs to be condoned in the interest of justice. However, the applicant / original claimant shall not be

entitled to get statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period and he need to furnish an undertaking to that effect.

ORDER

(i) The application for condonation of delay is hereby allowed in terms of prayer clause (B) on condition that the applicant/ original claimant shall furnish the undertaking with the Registrar (Judicial) of this Court stating that he would not claim the statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period condoned today by this Court.

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

(iii) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE