

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

CIVIL APPLICATION NO.8633 OF 2021 IN FAST/15218/2020

**ANSIRAM TULSHIRAM LAHAMAGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR, JALNA
AND OTHERS**

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Mr. D.M. Pingle, Advocate for the Applicant
Mr. S.G. Sangle, AGP for Respondent Nos.1 and 2
Ms. Manjusha S. Jagtap, Advocate for Respondent No.3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th FEBRUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / original claimant.
2. Heard Mr. D.M. Pingle, learned counsel for the applicant / original claimant, Mr. Sangle, learned AGP for respondent nos. 1 and 2 and Ms. Manjusha Jagtap, learned counsel for respondent no.3 / acquiring body.
3. Mr. Pingle, learned counsel for the applicant submits that the applicant is a poor farmer. He could not arrange for the funds to prefer an appeal within time. The delay was not intentional. The applicant is ready to waive statutory benefits and interest in respect of delayed period.

4. Mr. S.G. Sangle, learned AGP for respondent nos. 1 and 2 and Ms. Jagtap, learned counsel for respondent no.3 strongly opposed to condone the delay. They submitted that the delay is caused in this appeal is more than seven years. No sufficient reasons are assigned by the applicant to condone the delay.

5. It is noticed that there is delay of 2202 days in preferring the appeal, which comes to more than seven years. It is a case of compulsory acquisition of the landed property belonging to the applicant / original claimant. However, the delay caused in preferring the appeal appears to be inordinate, even though, the applicant is a poor farmer and he could not arrange for the funds to prefer an appeal. The reasons assigned by the applicant for delay is about financial crises appears to be not convincing. However, it is a case of compulsory acquisition of landed property belonging to the claimant and different yardstick needs to be applied in this matter. At the same time, the applicants shall not be entitled to get statutory benefits as well as the amount of interest for the delayed period.

6. By looking to the volume of delay, it is necessary to impose certain cost on the applicant to condone the delay, which would meet the ends of justice.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (A) subject to payment of costs of Rs.5,000/- to the High Court Legal Services Sub Committee, Aurangabad within a period of one month from today.
- (ii) The applicant / claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he would not claim the statutory benefits as well as the amount of interest for the delayed period.
- (iii) After furnishing such undertaking and payment of costs by the applicant / claimant, the Registry to make scrutiny of the appeal and it be numbered and place before the Court for admission.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE