

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

907 CIVIL APPLICATION NO.3884 OF 2021
IN FAST/17680/2020 WITH CA/3889/2021 IN FAST/17946/2020 WITH
CA/3888/2021 IN FAST/17953/2020 WITH CA/3887/2021 IN FAST/17941/2020
WITH CA/3885/2021 IN FAST/17932/2020 WITH CA/3886/2021 IN
FAST/17936/2020

BABU VITHOBA BHANGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, LATUR ANDORS

Mr N.D. Kendre, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 2
Mr S.P. Sonpawale, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. These are the applications for condonation of delay moved by the applicants/original claimants.
2. Heard learned Counsel for the respective parties.
3. Mr Kendre submits that claimants are poor agriculturists. They could not arrange for the funds to prefer the appeals within time. There was no intentional delay on the part of claimants. The delay may be condoned in respective appeals.
4. Mr Deshmukh, learned A.G.P. for the State and Mr S.P. Sonpawale, learned Counsel for respondent no.3/acquiring body strongly opposed to condone the delay. Both of them submitted that no sufficient reasons are assigned by the applicants for condonation of delay. The delay is inordinate. They urged to reject the applications.
5. Having considered the submissions of learned Counsel appearing for respective parties, I have gone through the proceedings. There is delay of 251 days in each application in preferring the appeals. It is a case of compulsory land acquisition. The claimants are poor agriculturists. They could not arrange for the

funds to prefer the appeals within time, which ultimately resulted in delay. In case of **K. Subbarayudu and ors., Vs. The Special Deputy Collector (Land Acquisition), reported in (2017) 12 SCC 840**, the Honourable Supreme Court laid down the guidelines that "in cases of compulsory land acquisition, the appeals for enhancement with delay, different yardstick needs to be applied. The approach of the Court while dealing with delay condonation application must be just, oriented. The term "sufficient cause" is to be interpreted with liberal construction so as to advance substantial justice".

6. Having regard to the guidelines laid down by the Honourable Supreme Court, it is necessary to condone the delay in the interest of justice. At the same time, the applicants are required to furnish undertakings with the Registrar (Judicial) stating that they would not claim statutory benefits and interest for the delayed period.

ORDER

(i) The civil applications are hereby allowed in terms of prayer clause (B) on condition that they shall furnish undertakings with the Registrar (Judicial) stating that they would not claim statutory benefits and interest for the delayed period, which is condoned today.

(ii) After furnishing such undertakings by the applicants, the Registry is directed to make scrutiny of the appeals as per procedure and it be numbered and placed before the Court for admission.

(iii) The Civil Applications are disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)