

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

20 CIVIL APPLICATION NO.10130 OF 2021
IN FAST/21505/2020

ASHOK TRIMBAK DOIPHODE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. K. D. Bade Patil.

AGP for Respondent/State: Mr. P. M. Kulkarni.

Advocate for Respondent No.4 : Mr. Sanjeev B. Deshpande.

...

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

DATE : 21st March, 2022.

P.C.:

. It is an application for condonation of delay moved by the applicants/claimants.

2 Heard Mr. Patil, learned counsel for applicants, Mr. Kulkarni, learned AGP for respondent Nos.1 to 3 and Mr. Sanjeev Deshpande, learned counsel for respondent No.4.

3 There seems to be delay of 868 days in preferring the appeal. Mr. Kulkarni, learned AGP for respondent Nos.1 to 3 and Mr. Sanjeev Deshpande, learned counsel for respondent No.4 strongly opposed to condone the delay.

4 Mr. Patil, learned counsel for applicants submitted that it is a case of compulsory land acquisition. The applicants could not prefer appeal within time due to financial difficulties. They have assigned the reasons in paragraphs 3 and 4 of the application. He, therefore, urged to condone the delay.

5 For the reasons stated in the application for condonation of delay, paragraphs 3 and 4 and in view of guidelines laid down by the Honourable Supreme Court in the case of *Dhiraj Singh (D) Tr. Vs. Haryana State*, reported in, *MANU/SC/0778/2014*, a different yardstick needs to be applied in cases arising out of land acquisition matters for condonation of delay. It is held by the Honorable Supreme Court that the Court should take liberal approach so as to advance substantial justice while deciding the applications for condonation of delay arising out of land acquisition matters. By taking into consideration all these aspects and in view of guidelines laid down by the Honorable Supreme Court in the case of *Dhiraj Singh (D) Tr. Vs. Haryana State* (supra), the delay deeds to be condoned. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed in terms of prayer clauses (A) and (B) on condition that the applicants/claimants shall furnish their

undertakings with the Registrar (Judicial) of this Court stating that they will not claim statutory benefits and interest in respect of the delayed period.

- II. After furnishing such undertakings by the applicants/claimants, the Registry to make scrutiny of the appeal as per the 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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