

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO.1184 OF 2021
IN FAST/21509/2020

MAHADEV BABURAO VAGARE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS, DISTRICT COLLECTOR,
OSMANABAD AND OTHERS

Advocate for Applicant : Mr P.B. Rakhunde
AGP for Respondent Nos. 1 and 2 : Mrs D.S. Jape

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5th JANUARY, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicant/original claimant.
2. Heard Mr P.B. Rakhunde, learned counsel for the applicant and Mrs D.S.Jape, learned AGP for respondent Nos. 1 and 2.
3. None present for acquiring body/respondent No.3 though notice is duly served.
4. There seems to be delay of 670 days in preferring the Appeal.
5. It appears from the record that though the reference court has passed the Judgment and award in the year 2018, the State authority has deposited the amount of compensation in the month of September, 2020. As such, the claimant could not arrange for the funds to prefer the appeal

within time. He is a poor agriculturist and failed to file appeal within time due to poverty and due to financial crisis.

6. By looking to the case of compulsory acquisition and looking to the grounds of appeal, it is necessary to condone the delay. However, the applicant/claimant shall not be entitled to get statutory benefits in respect of the delayed period.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (A) and (B) on condition that the applicant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he shall not claim statutory benefits and interest in respect of the delayed period.
- (ii) After furnishing such undertaking by the applicant/claimant, 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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