

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

40 CIVIL APPLICATION NO.10625 OF 2021
IN FAST/24083/2021

NARAYAN AMBADAS NIRWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. A. H. Koralkar.
AGP for Respondent/State: Mrs. D. S. Jape.
...

AND
41 CIVIL APPLICATION NO.10626 OF 2021
IN FAST/24081/2021

APPASAHEB DYNABA NIRWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. A. H. Koralkar.
AGP for Respondent/State: Mrs. D. S. Jape.
...

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

DATE : 03rd January, 2022.

P.C.:

. These are the applications for condonation of delay moved by the applicants.

2 Heard Mr. A. H. Koralkar, learned counsel for applicants and Mrs. Jape, learned AGP for respondent Nos.1 and 2. Respondent No.3/acquiring body though duly served, remained absent.

3 Mr. Koralkar, learned counsel seeks leave to place on record
copy of order passed by this Court in Civil Application No.4279 of 2021
in First Appeal (Stamp) No.24229 of 2020.

4 Leave granted.

5 Mr. Koralkar, learned counsel submits that this Court was
pleased to condone the delay on furnishing undertaking regarding
waiving of statutory benefits in respect of the delayed period.

6 Mrs. Jape, learned AGP for the State strongly opposed to
condone the delay.

7 By taking the same view and for the reasons stated in the
application for condonation of delay, more particularly paragraphs 3 to
5, it is necessary to allow both these applications. Hence, the
following order is passed:

ORDER

- I. The applications for condonation of delay are
hereby allowed in terms of prayer clause (A) on
the following condition:

“The applicants / original claimants
shall furnish undertakings with the
Registrar (Judicial) of this Court stating

that they will not claim statutory benefits as well as the amount of interest as provided under the Land Acquisition Act, 1894 for the delayed period condoned today by this Court.”

- II. The Registry is directed to register the appeals after due scrutiny as per procedure, and thereafter, they be placed before the concerned Court for admission.
- III. Both the civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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