

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8092 OF 2022 IN FAST/26368/2021

MANDODARI W/O BHAGARAM AKAT
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND
OTHERS

...
Advocate for Applicant : Mr. Kailas Balasaheb Jadhav
AGP for Respondents-State: Mr. A. B. Chate
...

CORAM : S. G. MEHARE, J.

DATE : 06-06-2022

PER COURT :-

Heard learned counsel for the applicant-claimant and learned AGP for respondents -State.

2. The learned AGP for the respondents-State has opposed the application contending that day-to-day delay has not been explained. If the application is granted, no monetary benefit should be granted for the delayed period.

3. Learned counsel for the applicant would submit that the Honourable Apex Court in *Dhiraj Singh (dead) through Legal Representatives and others Versus State of Haryana and others, [(2014) 14 Supreme Court Cases 127]* has issued guidelines that though there is a long delay in preferring appeal, however, it is a

case of payment of compensation to the appellant-claimant, who was the landowner and which land was taken away by compulsory acquisition. It has also been observed that the Court should be pragmatic and liberal in considering the delay condonation applications.

4. For the reasons given in the application and in view of the guidelines issued in the above cited case, this Court is of the view that no prejudice would be caused to the other side if the delay is condoned. Hence, the following order:

- I) The Civil application is allowed.
- II) The delay is condoned.
- III) The applicant-claimant shall furnish an undertaking with the learned Registrar (Judicial) of this Court stating that she would not claim statutory benefits and interest for the delayed period.
- IV) The Registry is directed to register the appeal according to law and post the appeal for admission hearing.
- V) On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for respondents – State.
- VI) Civil Application is disposed of in the above terms.

(S. G. MEHARE)
JUDGE