

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

907 CIVIL APPLICATION NO.1100 OF 2022
IN FAST/26448/2021

BHAGUJI GAMAJI SHELKE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

908 CIVIL APPLICATION NO.1101 OF 2022
IN FAST/26449/2021

MOTILAL HIRALAL JAIN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, JALNA AND
OTHERS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

909 CIVIL APPLICATION NO.1102 OF 2022
IN FAST/26452/2021

AAKRUR RAM DHANDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

- AND -

910 CIVIL APPLICATION NO.1103 OF 2022
IN FAST/26454/2021

ANNASAHEB PANDURANG POTEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, JALNA AND
OTHERS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

911 CIVIL APPLICATION NO.1104 OF 2022
IN FAST/26377/2021

SHIVAJI PIRAJI SOLANKE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

912 CIVIL APPLICATION NO.1105 OF 2022
IN FAST/26355/2021

PRAKASH ASARAM SHELKE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

913 CIVIL APPLICATION NO.1106 OF 2022
IN FAST/26319/2021

DHONDIRAM SITARAM AAHER (DIED) THR LRS KANTABAI WD/O DHONDIRAM
AAHER
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

-AND-

914 CIVIL APPLICATION NO.1107 OF 2022
IN FAST/26323/2021

SUNIL DIGAMBAR JANGLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

915 CIVIL APPLICATION NO.1108 OF 2022
IN FAST/26316/2021

DNYESHWAR KAKUJI SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

916 CIVIL APPLICATION NO.1109 OF 2022
IN FAST/26310/2021

RAMNATH KISAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

917 CIVIL APPLICATION NO.1110 OF 2022
IN FAST/26298/2021

RAMDAS KARBHARI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

918 CIVIL APPLICATION NO.1111 OF 2022
IN FAST/26413/2021

YADHAV JAGANNATH SHEDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

919 CIVIL APPLICATION NO.1112 OF 2022
IN FAST/26265/2021

SAGAR CHANDRASHEKHAR SAWJI
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

920 CIVIL APPLICATION NO.1113 OF 2022
IN FAST/26336/2021

VIJAY CHATRUBHUJ SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

921 CIVIL APPLICATION NO.1114 OF 2022
IN FAST/26339/2021

CHANDRAKALA DAULAT DHANDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

922 CIVIL APPLICATION NO.1115 OF 2022
IN FAST/26353/2021

ROHIDAS JAGANNATH (THR UNDER GUARDIAN) TULSABAI AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

923 CIVIL APPLICATION NO.1116 OF 2022
IN FAST/26321/2021

DILIP NAGORAV WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

924 CIVIL APPLICATION NO.1117 OF 2022
IN FAST/26464/2021

RAJABHAU BALAJI KARHALE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

925 CIVIL APPLICATION NO.1118 OF 2022
IN FAST/26295/2021

BALAJI BALIBHAN GAIKWAD (DIED) THR LRS LAHU AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

926 CIVIL APPLICATION NO.1119 OF 2022
IN FAST/26225/2021

RUSTUM MOHAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

927 CIVIL APPLICATION NO.1120 OF 2022
IN FAST/26238/2021

DAULAT LIMBAJI DHANDGE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

- AND -

928 CIVIL APPLICATION NO.1121 OF 2022
IN FAST/26261/2021

UDDHAV ASARAM BUNGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

-AND-

929 CIVIL APPLICATION NO.1122 OF 2022
IN FAST/26459/2021

ANKUSH BHANUDAS DIVTE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

930 CIVIL APPLICATION NO.1135 OF 2022
IN FAST/26381/2021

VILAS BAPURAO KORDE THR GPA HOLDER VIJAY CHATRBHUJ SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

931 CIVIL APPLICATION NO.1136 OF 2022
IN FAST/26385/2021

ANKUSH RAM SOMWARE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

932 CIVIL APPLICATION NO.1137 OF 2022
IN FAST/26389/2021

PANDURANG TUKARAM JANGLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

933 CIVIL APPLICATION NO.1138 OF 2022
IN FAST/26391/2021

PRAKASH RAMBHAU SOMWARE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

934 CIVIL APPLICATION NO.1139 OF 2022
IN FAST/26393/2021

HARIDAS BHANUDAS KORDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

935 CIVIL APPLICATION NO.1140 OF 2022
IN FAST/26396/2021

CHATRABHUJ GANGADHAR PACHANGRE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

936 CIVIL APPLICATION NO.1141 OF 2022
IN FAST/26399/2021

BABU GAJABA SOMWARE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

-AND-

937 CIVIL APPLICATION NO.1142 OF 2022
IN FAST/26403/2021

BABU BHAURAO PANCHAGRE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

938 CIVIL APPLICATION NO.1143 OF 2022
IN FAST/26325/2021

SATISH BHIMRAO BUNGE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

939 CIVIL APPLICATION NO.1144 OF 2022
IN FAST/26332/2021

DWARKABAI W/O SAKHARAM SHEDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

940 CIVIL APPLICATION NO.1145 OF 2022
IN FAST/26334/2021

SUNITA HARIDAS KORDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

941 CIVIL APPLICATION NO.1146 OF 2022
IN FAST/26343/2021

VILAS CHATRUBHUJ SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

942 CIVIL APPLICATION NO.1147 OF 2022
IN FAST/26185/2021

KAUSHALYABAI MUKTARAM DHANDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

943 CIVIL APPLICATION NO.1148 OF 2022
IN FAST/26278/2021

DIGAMBAR TUKARAM JANGLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

944 CIVIL APPLICATION NO.1149 OF 2022
IN FAST/26269/2021

SOMNATH VISHWANATH DASHRATH
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

- AND -

945 CIVIL APPLICATION NO.1150 OF 2022
IN FAST/26263/2021

RAMDAS BHANUDAS KORDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

946 CIVIL APPLICATION NO.1151 OF 2022
IN FAST/26267/2021

MEERABAI ASHOK SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

947 CIVIL APPLICATION NO.1152 OF 2022
IN FAST/26259/2021

AASARAM SHAHURAO DIVTE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

948 CIVIL APPLICATION NO.1153 OF 2022
IN FAST/26302/2021

MUKTARAM LIMBAJI DHADGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

949 CIVIL APPLICATION NO.1154 OF 2022
IN FAST/26280/2021

BALIRAM TUKARAM JANGLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

950 CIVIL APPLICATION NO.1155 OF 2022
IN FAST/26276/2021

DATTA TUKARAM JANGLE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

951 CIVIL APPLICATION NO.1156 OF 2022
IN FAST/26272/2021

SAKHARAM PATILBA SHEDGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

- AND -

952 CIVIL APPLICATION NO.1157 OF 2022
IN FAST/26437/2021

CHAND BEG MEHTAB BEG
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

- AND -

953 CIVIL APPLICATION NO.1158 OF 2022
IN FAST/26306/2021

GOVIND DATTATRAY BAVASAKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.N.Morampalle, A.G.P. for respondents no.1 and 2

- AND -

954 CIVIL APPLICATION NO.1159 OF 2022
IN FAST/26314/2021

AATMARAM SITARAM KORDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

955 CIVIL APPLICATION NO.1160 OF 2022
IN FAST/26274/2021

DEEPAK AASARAM BUNGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

956 CIVIL APPLICATION NO.1161 OF 2022
IN FAST/26345/2021

DEVNATH GANPAT GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

957 CIVIL APPLICATION NO.1162 OF 2022
IN FAST/26341/2021

NANDABAI W/O VITTHAL SHINGTE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

958 CIVIL APPLICATION NO.1163 OF 2022
IN FAST/26421/2021

VILAS BABASAHEB POTEKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

959 CIVIL APPLICATION NO.1164 OF 2022
IN FAST/26349/2021

TULSHIRAM BHAGWAT KORDE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

960 CIVIL APPLICATION NO.1165 OF 2022
IN FAST/26457/2021

LAXMAN ANKUSH BORKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

961 CIVIL APPLICATION NO.1166 OF 2022
IN FAST/26444/2021

PRAKASH BAPURAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

- AND -

962 CIVIL APPLICATION NO.3776 OF 2022
IN FAST/26406/2021

DADABHAU GANGADHAR PANCHAGRE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

Mr S.S. Tope, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 24th March, 2022

PER COURT :

1. Heard Mr S.S. Tope, learned Advocate for the applicants/original claimants and learned A.G.P.s for respondents no.1 and 2 in respective applications.

2. Mr S.S. Tope, learned Advocate for the applicants/original claimants submitted that it is a case of compulsory land acquisition of farmers by the State for construction of Tanwadi Storage Tank at Tanwadi (Raheva), Ramgvan, Bhadregaon (kh), Taluka Ghansawangi, District Jalna.. The claimants could not arrange for the funds so as to prefer appeals within time. Ultimately, it resulted in delay. There is no intentional delay on the part of respective claimants. Mr Tope has placed his reliance on guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State**, reported in **MANU/SC/0778/2014** and urged to condone the delay by taking liberal view.

3. Mr Tope, learned Advocate for the applicants/original claimants placed reliance on the order dated 10.1.2022 passed by the Honourable Supreme Court in Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020 along with connected matters wherein Honourable Supreme Court directed extension of the period of limitation due to COVID-19 pandemic.

4. Learned A.G.P.s for respondents no.1 and 2 in respective applications strongly opposed to condone the delay. They submitted that there is inordinate delay in preferring the appeals. The reasons assigned by the claimants are neither sufficient nor strong. There is no merit in the applications. Hence, applications for condonation of delay may be rejected.

6. I have considered the submissions made by Mr S.S. Tope, learned Advocate for applicants/original claimants and learned A.G.P.s for respondents no.1 and 2 in respective applications. In these Civil Applications, the delay ranges between 631 to 869 days. There is no dispute that the State has acquired the agricultural lands of the respective claimants for construction of Tanwadi Storage Tank at Tanwadi (Raheera), Ramgvhan, Bhadregaon (kh), Taluka Ghansawangi, District Jalna. It was a case of compulsory land acquisition. Even there is inordinate delay, the delay needs to be condoned in view of guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra). It is held by the Honourable Supreme Court that a different yardstick needs to be applied while deciding the application for condonation of delay arising out of land acquisition matters. It is further laid down by the Honourable Supreme Court that in the matter of land acquisition, where land of farmers is acquired, a liberal approach is to be taken. These persons should not be deprived of the reasonable compensation for their lands. Their statutory right of appeal cannot be thrown away

at the threshold on the technicality of limitation. It is not proper to take hyper technical view.

7. In view of guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), the applications filed by the respective claimants need to be allowed. However, the applicants need to waive the statutory benefits and interest for the delayed period and they have to furnish undertakings to that effect by way of equity.

ORDER

The Civil Applications are hereby allowed on following conditions :

- (i) The applicants/claimants shall furnish their undertakings with the Registrar (Judicial) of this Court stating that they shall not claim statutory benefits and interest for the delayed period.
- (iii) After furnishing such undertakings by the applicants, Registry to make scrutiny of the appeals and thereafter the appeals be numbered and placed before the Court for admission.
- (iv) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)