

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 CIVIL APPLICATION NO.12718 OF 2021
IN FAST/26135/2020

MOHAN SHANKAR PAWAR

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER, JALGAON
AND ANOTHER

...

Advocate for Applicant : Mr S.H. Tripathi
AGP for Respondent No.1/State : Mr S.G. Sangle
Advocate for Respondent No. 2 : Mr M.S. Sonawane

AND

971 CIVIL APPLICATION NO.12719 OF 2021
IN FAST/26138/2020

UKHARDU FAKIRA MAHAJAN

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER, JALGAON
AND ANOTHER

...

Advocate for Applicant : Mr S.H. Tripathi
AGP for Respondent No.1/State : Mr S.G. Sangle
Advocate for Respondent No. 2 : Mr M.S. Sonawane

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5th JANUARY, 2022

PER COURT :

1. Mr Tripathi, learned counsel for the applicants seeks leave to correct surname of the appellant/applicant in the Civil Application as well as in the First Appeal. Leave granted as prayed.

2. Mr Sonawane, learned counsel waives notice for respondent No. 2.

3. Heard Mr Tripathi, learned counsel for the applicants, Mr Sangle, learned AGP for the State/respondent and Mr Sonawane, learned counsel for respondent No. 2.

4. In Civil Application No. 12718/2021, there is delay of 148 days and in Civil Application No. 12719/2021, there is delay of 137 days in preferring the appeals.

5. Mr Sangle, learned AGP and Mr Sonwane, learned counsel for respondent No. 2 strongly opposed to condone the delay whereas Mr Tripathi, learned counsel for the applicants submits that the applicants have assigned sufficient reasons for condonation of delay in application para Nos. 5 and 6.

6. For the reasons stated in the application for condonation of delay para Nos. 5 and 6 and in the interest of justice and looking to the grounds raised in the appeals, the delay needs to be condoned in both the matters. At the same time, the applicants/claimants are not entitled to get the statutory benefits and interest in respect of the delayed period as per their undertaking given in the respective applications.

ORDER

- (i) Both Civil Applications are hereby allowed in terms of prayer clause (B).
- (ii) The applicants/claimants shall furnish necessary undertaking with the Registrar (Judicial) of this Court stating that they shall not claim the statutory benefits and interest in respect of the delayed period condoned today.
- (iii) After furnishing such undertaking by the respective claimants/appellants, Registry shall make scrutiny of the appeals as per the procedure and they be numbered and placed before the Court for admission.
- (iv) The Civil Applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

mta