

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

32 CIVIL APPLICATION NO.405 OF 2022
IN FAST/27511/2021
WITH CA/404/2022 IN FAST/27519/2021
WITH CA/403/2022 IN FAST/27515/2021
WITH CA/401/2022 IN FAST/27523/2021

SUSHILKUMAR BAPURAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Madhav Jadhav h/f. More Abhijit S.
AGP for Respondents/State : Mrs. D.S. Jape
...

CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

These are the applications for condonation of delay of 1251 days in preferring the appeals against the common judgment and award passed by the Reference Court in LAR Nos.27/2015, 28/2015, 26/2015 and 34/2015 decided on 08.02.2018.

2. Learned counsel for the applicant submits that condition of the applicants is not sound and due to financial constraints, severe draught situation the applicants could not file appeals within the period of limitation. Learned counsel for the applicants, on instructions, submits that the applicants

are also ready to forego the interest for the period of 1251 days caused in filing appeals.

3. The learned AGP opposed the applications and submits that there is inordinate delay and the same has not been properly explained.

4. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeal. Accordingly, for the reasons assigned in the application for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

- i) The applications stand allowed in terms of prayer clause(B), with a rider that the applicants shall not be entitled for the claim of the interest on the compensation amount as awarded by the Reference Court in LAR Nos.27/2015, 28/2015, 26/2015 and 34/2015 decided on 08.02.2018 for the delayed period.
- ii) The delay in preferring the appeals stand condoned.
- iii) Issue notice to the respondents, returnable after four weeks. Learned AGP waives service for respondent nos.1 & 2.
- iv) Call R & P Appeals be registered.

[ANIL L. PANSARE, J.]