

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

12 CIVIL APPLICATION NO.11595 OF 2019
IN FAST/26841/2019

GOPINATH KISAN LAHANE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr N.D. Kendre, Advocate for applicants
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicants/original claimants.
2. Heard Mr N.D. Kendre, learned Advocate for applicants and Mr P.M. Kulkarni, learned A.G.P. for respondents no.1 and 2/State. None present for respondent no.3 when the matter is called out.
3. There seems to be delay of 3197 days in preferring the appeal. Mr Kulkarni, learned A.G.P. strongly opposed to condone the delay.
4. Having regard to the guidelines laid down in case of **Dhiraj Singh (D) Tr. Vs. Haryana State**, reported in **MANU/SC/0778/2014**, the delay needs to be condoned since it is a compulsory acquisition. The statutory right of appellants cannot be taken away on the ground of technicalities. The approach of the Court should be pragmatic while dealing with the applications for condonation of delay. The application needs to be allowed on condition that the applicants/claimants shall furnish usual undertaking stating that they would not claim statutory benefits and interest for the delayed period.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clause (B).
- (ii) The applicants/appellants shall furnish usual undertaking stating that they would not claim statutory benefits and interest for the delayed period which is condoned today.
- (iii) The Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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