

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

20 CIVIL APPLICATION NO.12268 OF 2021
IN FAST/29620/2021

MANGALABAI W/O VIJAYKUMAR BORADE THR.
POA CHANDRAKANT S. BORADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Arun H. Koralkar.

AGP for Respondent/State: Mr. S. P. Deshmukh.

Advocate for Respondent No.3 : Mr. Ram B. Deshpande.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 28th March, 2022.

P.C.:

. It is an application for condonation of delay moved by the applicant/original claimant.

2 Heard Mr. Koralkar, learned counsel for applicant, Mr. Deshmukh, learned AGP for respondent Nos.1 and 2 and Mr. Ram B. Deshpande, learned counsel for respondent No.3/acquiring body.

3 Mr. Koralkar, learned counsel for applicant/claimant seeks leave to place on record copy of order passed by this Court in Civil Application No.10000 of 2021 dated 6th December, 2021. Leave granted. The copy of order is taken on record and marked as 'X' for identification.

4 Mr. Koralkar, learned counsel for applicant/claimant submits that this Court was pleased to condone the delay in Civil Application No.10000 of 2021 arising out of same group. He, therefore, seeks similar relief of condonation of delay.

5 Mr. S. P. Deshmukh, learned AGP for respondent Nos.1 and 2 and Mr. Ram B. Deshpande, learned counsel for respondent No.3/acquiring body strongly opposed to condone the delay. Both of them submitted that there is delay of more than nine years in preferring the appeal. No sufficient reasons are assigned for condonation of delay. The application is merit-less and liable to be dismissed.

6 I have considered the submissions of both the sides. It is not in dispute that in Civil Application No.10000 of 2021 the delay has been condoned by this Court (Coram : R. G. Avachat, J.) under order dated 6th December, 2021 arising out of same group. I do not see any reason to take any different view. It is a case of compulsory land acquisition. Having regard to the guidelines laid down by the Honourable Supreme Court in the case of *Dhiraj Singh (D) Tr. Vs. Haryana State*, reported in, *MANU/SC/0778/2014*, the delay needs to be condoned. The applicant/claimant can be directed to waive interest and statutory benefits for the delayed period by way of equity. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed in terms of prayer clause (A).
- II. The applicant shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that she shall not claim statutory benefits and interest for the delayed period.
- III. After furnishing such undertaking by the applicant, the Registry to make scrutiny of the appeal as per the procedure and it be numbered and placed before the Court for admission.
- IV. Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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