

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

6 CIVIL APPLICATION NO.15606 OF 2015
IN X-OBJST/34024/2015
WITH CA/15605/2015 IN X-OBJST/34022/2015

SANGAPPA SIDRAMAPPA DHUMURE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Vivekanand V. Ingale.
AGP for Respondent/State: Mr. S. N. Morampalle.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 28th March, 2022.

P.C.:

. These are the applications moved by the objection petitioners for condonation of delay.

2 Heard Mr. Ingale, learned counsel for applicant in respective applications and Mr. Morampalle, learned AGP for the State.

3 The learned AGP strongly opposed to condone the delay on the ground that the applicants have not assigned sufficient reasons for condonation of delay. The delay is of large volume. By considering the inordinate delay, the applications may be rejected.

4 Mr. Ingale, learned counsel for applicant submitted that it is a case of compulsory land acquisition. The poor farmers could not file

the cross-objections within time due to financial difficulties, which has resulted in delay. He, further, submitted that the State has already preferred appeals. As such, no prejudice would be caused, if delay is condoned. He, further, submitted that the applicants are ready to waive interest and statutory benefits for the delayed period.

5 Having considered the submissions made by the learned counsel for applicants and the learned AGP for the State and in view of 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 State has already filed appeals and as such, liberal view needs to be taken. Their statutory right of appeal cannot be thrown away at the threshold on technicality of limitation. Hence, the following order is passed:

ORDER

- I. The applications are hereby allowed in terms of prayer clause (B).
- II. The applicants shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that they shall not claim statutory benefits and interest for the delayed period.

III. After furnishing such undertaking by the applicants, the Registry to make scrutiny of the cross-objections as per the procedure and the cross-objections be numbered and placed before the Court for admission.

IV. Civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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