

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

16 CIVIL APPLICATION NO.2386 OF 2020
IN FAST/34520/2019 WITH CA/3199/2021 IN FAST/3184/2021 WITH
CA/3198/2021 IN FAST/5298/2021

BHAUSAHEB PANDHARI RAUTRAO
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr N.D. Kendre, Advocate for applicants
Mr A.B. Chate, A.G.P. for respondents no.1 and 2
Mr Shyam C. Arora, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. These are the applications for condonation of delay moved the applicants.
2. Heard Mr N.D. Kendre, learned Advocate for applicants, Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 and MR Shyam C. Arora, learned Advocate for respondent no.3.
3. Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 and Mr Shyam C. Arora, learned Advocate for respondent no.3 strongly opposed to condone the delay. Both of them submitted that no sufficient reasons are assigned by the applicants 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 Applications are 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.
- (ii) 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 Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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