

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

919 CIVIL APPLICATION NO.6289 OF 2018
IN FAST/38701/2017

MANIK NARHARI TAKALE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Shinde Shrikishan S.
AGP for Respondents: Mr. S P Deshmukh

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CORAM : V.K. JADHAV, J.
Dated: April 22, 2022

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PER COURT :-

1. Heard the learned counsel for the applicants/original claimants and the learned AGP for respondent nos.1 and 2. Though, respondent no.3-acquiring body is duly served, none appears.

2. Being aggrieved by the common judgment and award dated 20.1.2016 passed by the Civil Judge, S.D., Paranda in LAR No.867 of 2011, the applicants/original claimants has preferred an appeal, which is delayed by 572 days.

3. Learned counsel for the applicants submits that the applicants are the old aged persons and are pulling their life in miserable condition. The land which was

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the source of their livelihood has been acquired by the respondents. Due to poor financial condition, the applicants could not make arrangement for payment of the Court fees required for filing the first appeal. There is no intentional delay.

4. The learned AGP submits that there is an inordinate delay, which is not explained satisfactorily. Further, in the alternate, the learned AGP submits that the applicants/original claimants may not be entitled for the interest of the delayed period, in the event if they succeed in the appeal.

5. The applicants/original claimants are the poor agriculturists. Land which was the only source of their livelihood has been acquired, they could not prefer the appeal only after receipt of certain amount of compensation. There is no intentional delay as such. The respondent/State and the acquiring body are at liberty to make appropriate submissions at the time of final hearing of the appeal about interest of the delayed period, however, I am inclined to condone the delay. The

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application is accordingly allowed in terms of prayer clause 'B' and disposed of accordingly.

(V.K. JADHAV, J.)

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