

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO.1221 OF 2018
IN FAST/3744/2017 WITH CA/1218/2018 IN FAST/3726/2017
WITH CA/1228/2018 IN FAST/3729/2017 WITH
CA/1226/2018 IN FAST/3734/2017 WITH CA/1224/2018 IN
FAST/3740/2017 WITH CA/1235/2018 IN FAST/3729/2017

CHANGU MAROTI MARADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, BEED
AND
23 CIVIL APPLICATION NO.4042 OF 2020
IN FAST/1477/2019

BABASAHEB SANTARAM SANAP AND ORS
VERSUS
THE STATE OF MAHARASHTRA
AND
24 CIVIL APPLICATION NO.5386 OF 2022
IN FAST/36674/2019

BHASKAR ASHRUBA LANDGE AND ANR
VERSUS
THE STATE OF MAHARASHTRA

Mr. D. R. Jaybhar, Advocate for the applicant
Mr. S. B. Pulkundwar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 16th OCTOBER, 2023

P. C.

1. Heard the applicant.

2. These applications are filed seeking condonation of delay of 4226 days caused in filing the first appeals claiming enhancement by the claimants who are not satisfied with the award.

2. Learned advocate for the applicant produced on record copy of order passed by this court dated 21-08-2017 wherein the delay was condoned with condition that claimants shall not be entitled to claim statutory benefits as well as amount of interest for delayed period. Learned advocate further submits that subject matter of the challenge in these first appeals is the same.

3. Learned AGP though opposed the application accepting that earlier order dated 21-08-2017 passed in the first appeal wherein same judgment and award is under challenge.

4. Since this court has already condoned the delay in

all the connected matters, this court finds that the present applications for condonation of delay also deserves to be allowed with condition that the claimants shall not be allowed to claim any interest on statutory benefits under the Land Acquisition Act for delayed period in terms of para 6 of the order dated 21-08-2017 which reads as under:-

“6. In sequel, applications stand allowed. The delay caused to present the appeals against the impugned award stands condoned subject to condition that the applicants-appellants shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this court after adjudication of appeals on merit.”

5. With this, the applications for condonation of delay stand allowed. The delay stands condoned.

6. It is reported that applicant No.1-b in ca/1235/2018 in fast/3729/2017 for LRs is dead.

(4)

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7. The applicant to take steps and thereafter to move the application for LRs.

[KISHORE C. SANT, J.]

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