

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

927 CIVIL APPLICATION NO.6466 OF 2022
IN FAST/5827/2020

DADARAO ANNA GAIKWAD (DIED) THR LRS MATHURABAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants :Mr. Kailas B Jadhav
AGP for Respondents: Mr. S.S. Dande.
Advocate for R-3 : Mr. S.G. Bhalerao.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH AUGUST, 2023

ORDER :-

Heard learned counsel for the parties.

2. Learned counsel for the applicants submit that the applicants are agriculturists and have lost their lands on account of acquisition. Due to poverty and illiteracy, they could not approach this court within the stipulated time. They are litigating for getting market value for their acquired land. He further submits that if this court considers their request for condonation of delay, the applicants shall not claim any interest and statutory benefit for the delayed period.

3. Mr. Bhalearao, learned counsel for the respondents vehemently opposes the application stating that there is a huge delay of almost 5 years, which is not properly explained.

4. Since the applicants are litigation for the just compensation of their acquired land and the fact that they are agriculturist and rustic persons, it would be appropriate to condone the delay, however, subject to certain conditions. Hence, the following order.

: O R D E R :-

[I] Civil application is allowed.

[ii] Delay of 1656 days caused in filing the appeal is condoned subject to condition that the claimant shall not be entitled to claim interest and statutory benefits for the delayed period and file an undertaking to that effect to the satisfaction of the Registrar (Judicial) of this Court within a period of two weeks from today.

[iii] Civil application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-