



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

**915 CIVIL APPLICATION NO. 2105 OF 2021
IN FAST/7556/2020**

1. Akash Sunil Bondar
2. Vishwajeet Sunil Bondar .. Applicants

Versus

The State of Maharashtra and Ors .. Respondents

...

Advocate for Applicants : Mr. N. P. Badale h/f. Mr. S. G. Kawade
AGP for Respondents / State : Mr. S. V. Hange

...

CORAM : NEERAJ P DHOTE, J.

DATED : DECEMBER 20, 2023

PER COURT :

. Heard the learned Advocate for the Applicants and the learned AGP for the Respondents / State.

2. This is an application under Section 5 of the Limitation Act for condonation of 1230 days delay in filing the First Appeal against the judgment and order dated 15.07.2016 passed by the 3rd Jt. Civil Judge, Senior Division, Osmanabad in L.A.R. No.1138 of 2011.

3. According to the applicants, due to financial constraints they could not file appeal immediately. It is stated that, recently they received the funds under the decree passed in LAR No.1138 of 2011 and thereafter, they approached the learned advocate and filed the present

appeal. The learned advocate for the applicants submits that the applicants shall not claim any interest and statutory benefits for the delayed period.

4. According to the learned AGP, the delay has not been properly explained and hence prayed to reject the application.

5. The appeal is in respect of the compensation towards acquisition of land. The law in respect of condonation of delay is well settled by catena of judgments of this Court and of the Hon'ble Apex Court. In recent judgment in the case of **Sheo Raj Singh (Deceased) Through L.R.s and Others vs. Union of India & Anr., MANU/SC/1098/2023**, the Hon'ble Apex Court has considered the earlier judgment on the subject matter.

6. Considering the settled position in law and for the reasons stated in the application, the delay of 1230 days caused in filing the First Appeal is condoned subject to the applicants filing undertaking to the effect that they shall not claim any interest and statutory benefits for the delayed period. The Office to register the appeal. The application stands disposed of accordingly.

[NEERAJ P. DHOTE]
JUDGE