

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

**CIVIL APPLICATION NO.6237 OF 2019
IN FAST/7945/2019**

**MADHUKAR DAMU MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS**

**WITH
CIVIL APPLICATION NO.6238 OF 2019
IN FAST/7947/2019**

**MADHAV VITTHAL MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS**

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Ms S. A. Kale, Advocate h/f Mr. A. B. Kale, Advocate for applicants
Mr. S. B. Yawalkar, AGP for respondent Nos. 1 and 2
Mr. B. K. Patil, Advocate for respondent No.4

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 23.02.2023

PER COURT :-

Heard.

2. These are the applications seeking condonation of delay of 343 days caused in filing respective appeals against the judgment and award dated 21.11.2017 passed by the Reference Court in L.A.R. No.429/2010 and L.A.R. No.448/2010.

3. The learned Advocate appearing for applicants submits that the applicants have lost their land on account of

acquisition. They have been inadequately compensated. The delay caused in filing the respective appeals is unintentional. They have not derived any advantage out of such delay.

4. The learned Advocate appearing for respondent No.4 strongly opposes the prayers to condone the delay. He would point out that no particular reasons for such delay are mentioned in the applications. The contents of applications are vague. In absence of plausible explanation, delay may not be condoned. In the alternative, he submits that in case the delay is condoned, the applicants shall not be entitled for interest for the period of delay.

5. I have considered the arguments advanced by learned Advocates. For the reasons stated in the applications particularly in para Nos. 2 to 4, the delay of 343 days deserves to be condoned. However, the applicants shall not be entitled to claim the interest for the period of delay in case the appeals are allowed and enhanced amount of compensation is granted.

6. The civil applications are allowed in aforesaid terms. The delay of 343 days caused in filing the respective appeals is condoned.

7. Appeals be registered.

[S. G. CHAPALGAONKAR, J.]

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