



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
901 CIVIL APPLICATION NO. 6879 OF 2021
IN FAST/8520/2020**

Kautik Damu Patil and Anr.

....Applicants

VERSUS

The Collector, Jalgaon and Ors.

.....Respondents

...

Ms. Mrunal Andhare h/f Mr. A. B. Kale, Advocate for the Applicants

Mr. K. N. Lokhande, AGP for Respondent Nos.1 and 2/State

Mr. A. G. Vasmatkar, Advocate for the Respondent Nos.3 and 4

...

CORAM : NEERAJ P. DHOTE, J.

Dated : December 21, 2023

PER COURT :-

1. Heard Mr. Mrunal, learned Advocate for the Applicants, learned AGP for the Respondent Nos.1 and 2/State and Mr. Vasmatkar, learned Advocate for Respondent No.4 / Acquiring Body.

2. This is an Application under Section 5 of the Limitation Act for condonation of 520 days delay caused in filing the First Appeal against Judgment and Order / Decree dated 13th April, 2018, passed by 3rd Joint Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference No.453/2010.

3. According to the Applicants, they could not prefer the Appeal within the prescribed time due to financial constraints. The Acquiring Body has not deposited the amount towards compensation and therefore, they had to take hand-loan for preferring the Appeal and if the delay is not condoned, they would suffer irreparable loss. The learned Advocate for

the Applicants submits that the Applicants shall not claim any interest and statutory benefits for the delayed period and shall file the undertaking in that regard and the delay may be condoned.

4. Learned AGP for the Respondent Nos.1 and 2 and Mr. Vasmatkar, learned Advocate for Respondent No.4 / Acquiring Body opposed the Application.

5. 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.Rs and Other Vs. Union of India and Anr.; MANU/SC/1098/2023**, the Hon'ble Apex Court has considered the earlier Judgment on the subject matter.

6. Considering the settled legal position under the law and the reasons put-forth by the Applicant in the Application, the delay of 520 days caused in filing the 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, J.]

Sameer