

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

**908 CIVIL APPLICATION NO.10516 OF 2022  
IN FAST/9213/2022**

**MARUTI BABURAO ABDULE  
VERSUS  
THE STATE OF MAHARASHTRA THR THE COLLECTOR,  
OSMANABAD AND ORS**

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Advocate for Applicant : Mr. Naiknavare Ramesh Vitthal  
AGP for Respondents 1,2 : Mr. A.B. Chate

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**CORAM : S. G. CHAPALGAONKAR, J.**  
**Dated: July 07, 2023**

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**PER COURT :-**

1. Heard.
2. The applicant seeks to condone the delay of 3025 days caused in filing the First Appeal against the judgment and award dated 10.9.2013 in LAR No.232 of 2009. The contention of the applicant is that his land has been acquired in the year 2006. The award has been passed. Meager amount was granted to him under the award of the Land Acquisition Officer. Hence, he had preferred Reference before the Civil Court. Even, the Reference Court failed to appreciate the evidence and granted inadequate compensation.
3. Notice of this application was served upon the respondents. However, none appears for the acquiring body/respondent no.3.
4. Mr. Naiknaware, learned advocate for the applicant invites attention of this Court to the reasons stated in paragraph nos.3 and 4 of the application and submits that reasonable grounds are made out to condone the delay.

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5. Learned AGP appearing for the respondents/State opposed the application, however, in case, delay is condoned, the applicant would not be entitled to claim the interest for the delayed period.

6. Having considered the submissions advanced and uncontroverted reasons as stated in paragraph no.3 of the civil application, the application deserves to be allowed subject to condition that the applicant shall not claim the interest for the delayed period, in case his prayer for enhancement is favourably considered in appeal.

7. The applicant shall file an undertaking to that effect to the Registrar (*Judicial*) of this Court.

8. Civil application accordingly disposed off.

( S. G. CHAPALGAONKAR, J. )

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