

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

**CIVIL APPLICATION NO.7459 OF 2019
IN FAST/14718/2019**

**SHABBIR KARIM MUSALMAN THR LRS KADIRBI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER MINOR
IRRIGATIONJALGAON AND ANR**

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Ms Kirti A. Deshpande, Advocate h/f Mr. M. M. Bhokarikar,
Advocate for applicants

Mr. A. S. Shinde, AGP for respondent No.1

Mr. A. B. Dhongade, Advocate for respondent No.2

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 23.02.2023

PER COURT :-

Heard.

2. This is an application seeking condonation of delay of 785 days caused in filing appeal against the judgment and award dated 05.12.2016 passed by the Reference Court in L.A.R. No.1043/2010.

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 appeal is unintentional. They have not derived any advantage out of such delay.

4. The learned Advocate appearing for respondent No.2 strongly opposes the prayers to condone the delay. The contents of application 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. 3 and 4, the delay of 785 days deserves to be condoned. However, the applicants shall not be entitled to claim the interest for the period of delay in case the appeal is allowed and enhanced amount of compensation is granted.

6. The civil application is allowed in aforesaid terms. The delay of 785 days caused in filing the appeal is condoned.

7. Appeal be registered.

[S. G. CHAPALGAONKAR, J.]

SMS