

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO.6155 OF 2019
IN FAST/17361/2018

INDUABAI BARKU PATIL AND ANR
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER,
MIW JALGAON AND ANR

...

Advocate for Applicants : Ms Sakshi Kale h/f Mr Ajeet B.Kale
AGP for Respondent No.1/State : Mr S.J. Salgare
Advocate for Respondent No. 2 : Mr B.K. Patil

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicants are seeking to condone the delay of 907 days caused in filing the appeal challenging the Judgment and award passed by the Civil Judge, Senior Division, Jalgaon in LAR No. 490/2003.
3. The learned advocate appearing for the applicants invites attention of this Court to para Nos. 2 to 4 wherein reasons for the delay are explained. The learned advocate for the applicants further submits that the applicants have lost their lands on account of compulsory acquisitions and they have not been adequately compensated. This appeal is filed seeking enhancement of compensation.
4. The learned advocate appearing for the respondent No. 2/acquiring body strongly opposes the application. He would submit

that the reasons mentioned in the application are not sufficient to condone the huge delay of 907 days. He would submit that the affidavit is sworn in on 23-11-2016. However, it has been presented in the year 2018. He would submit that there is no explanation for the delay in presentation of the appeal. In alternative, he would submit that if this Court condones the delay, the applicants shall not be entitled to claim the interest for the delayed period.

5. Having considered the submissions advanced by the learned advocate appearing for the parties and after going through the reasons mentioned in the application, I am inclined to condone the delay, however, on condition that applicants shall not be entitled to claim the interest for the period of delay, in case their prayer for enhancement of compensation is accepted by this Court.

6. The civil application is therefore allowed. The delay 907 days is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

mta