

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

**CIVIL APPLICATION NO.6251 OF 2019
IN FAST/21578/2018**

**LAXMAN SHRIPAT SHINDE (DIED) THR LRS RADHABAI
AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

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Mr. Vitthal B. Wayal, Advocate for the Applicants.

Mr. S. S. Dande, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. By this application, the applicants seek to condone the delay of 1117 days caused in filing the appeal against the award passed by the Reference Court.

2. The learned Advocate appearing for the applicants submits that the applicants are agriculturist, who have lost their lands due to compulsory acquisition and they are not adequately compensated by either Land Acquisition Officer or even Reference Court. It is submitted that the applicants are illiterate persons and financially incapacitated to approach this Court within limitation period. It is also submitted that the applicants are fighting for receiving just compensation towards acquired lands. Delay caused in filing the appeal is unintentional. It is also submitted that the applicants are ready to waive interest and statutory benefits for the delayed period.

3. The learned AGP appearing for the respondents opposes the prayer contending that no sufficient cause is made out.

4. Having considered the submissions advanced, it is apparent that the applicants are fighting for just compensation of the acquired lands. They have not derived any advantage out of the delay. Further they are ready to give up interest and statutory benefits for the delayed period. Therefore, case is made out to condone the delay. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
- b. Delay of 1117 days caused in filing the appeal is condoned subject to condition that the applicants submit an undertaking before the Registrar (Judicial) of this Court that they shall not claim interest and statutory benefits for the period of delay.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE