



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

**908 CIVIL APPLICATION NO. 6219 OF 2020  
IN FAST/24038/2012**

1. Mahadu Punjaram Kamble
  2. Fakira Tulshiram Kamble
- ....Applicants

Versus

The State of Maharashtra and Ors

...Respondents

...

Advocate for Applicant : Mr. S. A. Kamble h/f. Mr. D. R. Jayabhar  
AGP for Respondents: Mr. V. M. Jaware  
Advocate for Respondent No.3 through V.C. : Ms. Kavita Bhale h/f.  
Mr. Suvarna M. Zaware

...

**CORAM : NEERAJ P. DHOTE, J.**

**DATED : DECEMBER 20, 2023**

**PER COURT :**

1. Heard Mr. S. A. Kamble h/f. Mr. D. R. Jaybhar, the learned advocate for the applicants, Mr. V. M. Jaware, learned AGP for respondents no. 1 and 2 and Ms. Kavita Bhale h/f. Ms. Suvarna M. Zaware, learned advocate for Respondent No.3.

2. This is the application under Section 5 of the Limitation Act for condonation of delay in preferring First Appeal against the Judgment and order dated 18.04.2012 passed by the 2<sup>nd</sup> Joint Civil Judge, Senior Division, Aurangabad in L.A.R. No.182/2004.

3. According to the applicants, they had applied for certified copies on 19.06.2012 and the same were received on 25.06.2012 and thereafter they approached this Court and filed the appeal and in that process, the delay of 50 days is caused. The learned advocate for the Applicants submits that the applicants shall not claim any interest and statutory benefits for the delayed period.

4. The learned AGP as well as the learned advocate for the respondents opposed the application.

5. The appeal is against the Judgment and order in respect of compensation against the land acquisition proceedings. 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.R.s and Others vs. Union of India & Anr., MANU/SC/1098/2023**, the Hon'ble Apex Court has considered the earlier judgment on the subject matter.

6. Considering the settled position in law and for the reasons stated in the application, the delay of 50 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]**  
**JUDGE**

GGP