



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

**906 CIVIL APPLICATION NO. 13425 OF 2021
IN FAST/24502/2021**

Gunwant Namdeo Kare

....Applicant

VERSUS

The State Of Maharashtra, Through Collector, Latur And Others
... Respondents

...

WITH

**CIVIL APPLICATION NO. 13424 OF 2021
IN FAST/24400/2021**

Deelip Maruti Kare

..... Applicant

VERSUS

The State of Maharashtra
Through the Collector, Latur And Others
.....Respondents

...

Mr. H. B. Nandagavale, learned Advocate for the Applicant/s
Mr. K. N. Lokhande, AGP for the Respondent No.1/State
Mr. S. B. Patil, learned Advocate for Respondent No.2

....

CORAM : NEERAJ P. DHOTE, J.

Dated : December 21, 2023

PER COURT :-

. Heard Mr. Nandagavale, learned Advocate for the Applicant/s, learned AGP for the Respondent No.1 / State and Mr. Patil, learned Advocate for Respondent No.2 / Acquiring Body.

2. This is an Application under Section 5 of the Limitation Act for condonation of 2444 days delay caused in filing the First Appeals against

the common Judgment and Order / Decree dated 7th October, 2014, passed by the 3rd Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference No.322/2006 and Land Acquisition Reference No.328/2006.

3. According to the Applicants, they are resident of remote area and got knowledge of the said impugned Judgment and Order / Decree only in the month January – 2021 when their Advocate in the Trial Court informed about the same. It is their contention that they are the agriculturists and have lost their lands in the acquisition proceeding and the Acquiring Body deposited the amount of compensation in the year – 2021. Thereafter, the Applicants withdrew the said amount in the month of July – 2021 and contacted their Advocate. After collecting the required documents, the Appeals came to be filed in this Court, hence, the aforesaid delay. The learned Advocate for the Applicants submits that the Applicants shall not claim any interest and statutory benefits for the delayed period and shall file the undertaking in that regard.

4. The learned AGP for the Respondent No.1 / State and learned Advocate for the Respondent No.2 opposed the Applications and submit that the aforesaid delay may not be condoned.

5. 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.Rs and Other Vs. Union of India and Anr.; MANU/SC/1098/2023**, the Hon'ble Apex Court has considered the earlier Judgment on the subject matter.

6. Considering the settled legal position under the law and the reasons mentioned in the Applications, the delay of 2444 days caused in filing the

Appeals 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 Appeals. The Applications stand disposed of accordingly.

[NEERAJ P. DHOTE, J.]

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