

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15167 OF 2019
IN
FIRST APPEAL [ST] NO. 25705 OF 2018

Suresh Umrao Miskin (died),
through LRs – Tai wd/o Suresh Miskin & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ... Respondents

...

Mr. Shrikishan S. Shinde – Advocate for the applicants

Mr. A. B. Chate – AGP for respondent/State

Mr. G. B. Rajale – Advocate for respondent no. 3

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 21st JUNE, 2023

PER COURT :

1. Heard learned advocates appearing for the respective parties.

2. By this application, the applicants/claimants are seeking to condone the delay of 2542 days caused in filing the First Appeal thereby challenging the judgment and award passed by the Reference Court in Land Acquisition Reference No. 112 of 2006. The applicants have stated the reasons for the delay in paragraph nos. 2 to 6 of the application.

3. Mr. Rajale, learned advocate for respondent no. 3, opposed the prayer made in the application. In the alternative, he submits that if the delay is condoned, the applicant shall not be permitted to claim the interest for the delayed period.

4. Considering the submissions advanced and the reasons stated in the application, sufficient grounds are made out to condone the delay, however, subject to the conditions that the applicant shall not claim interest for the period of delay and they shall file an undertaking to that effect with the Registry of this Court, within eight days.

5. The Civil Application is accordingly allowed subject to the condition as stated above.

[S. G. CHAPALGAONKAR]
JUDGE

SG Punde