



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

**911 CIVIL APPLICATION NO. 298 OF 2022
IN FAST/24852/2020**

Rama Ganpati Deokar (died) Thr Lrs Utreswhar Rama Deokar
.....Applicant

VERSUS

The State of Maharashtra and Ors.Respondents

.....

Mr. Madhav K. Jadhav h/f Mr. More Abhijit S., Advocate for Applicant
Mr. V. M. Jaware, AGP for Respondent Nos.1 and 2
Ms. Sunita D. Shelke, Advocate for Respondent No.3 / Acquiring Body

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CORAM : NEERAJ P. DHOTE, J.

Dated : December 21, 2023

PER COURT :-

1. Heard Mr. Jadhav, learned Advocate for the Applicant, learned AGP for the Respondent Nos.1 and 2/State and Mr. Shelke, learned Advocate for Respondent No.3 / Acquiring Body.

2. This is an Application under Section 5 of the Limitation Act for condonation of 952 days delay caused in filing the First Appeal against Judgment and Order / Decree dated 8th May, 2017, passed by the Civil Judge, Senior Division, Paranda, in Land Acquisition Reference No.91/2012.

3. According to the Applicant, due to his economical condition and financial constraints, he was prevented from filing the First Appeal within the prescribed period. It is contended that after receipt of the compensation amount, he applied for certified copies on 8th January, 2020 and received the same on 20th February, 2020. Thereafter, he could take

the steps for preferring the Appeal and it has caused the delay. The learned Advocate for the Applicant submits that the Applicant shall not claim any interest and statutory benefits for the delayed period and shall file the undertaking in that regard.

4. Learned AGP for the Respondent Nos.1 and 2 and Ms. Shelke, learned Advocate for Respondent No.3/Acquiring Body opposed the Application.

5. As can be seen from the contention of the Applicant that he could not file the Appeal within the prescribed time due to the financial constraints. 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 put-forth by the Applicant in the Application, the delay of 952 days caused in filing the Appeal is condoned subject to the Applicant filing undertaking to the effect that he 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, J.]