

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

960 CIVIL APPLICATION NO.5395 OF 2023
IN FAST/25681/2022 WITH CA/5397/2023 IN FAST/26473/2022

VALJANATH SHIVLINGAPPA BHADRASHETTI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
LATUR AND ANOTHER

...

Advocate for Applicants : Mr. Halkude Sharad S.
AGP for Respondents: Ms. P.V. Diggikar.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 28TH JULY, 2023

ORDER :-

By this application, the applicants seek to condone the delay of 3094 days caused in filing the appeal.

2] Mr. Halkude, learned counsel for applicants submits that delay is not intentional and deliberate. The applicants are farmers who have lost their agricultural land on account of compulsory acquisition. They have not received adequate compensation. Even the Reference court did not consider all the relevant aspects and granted meager compensation. He submits that the applicants are ready to give up the interest and statutory benefits for the delayed period, if this court considers his application favourably.

3] Learned AGP for the respondents oppose the prayer on the ground that there is inordinate delay which is not properly explained.

4] Considering the reasons stated in the application, the application deserves to be allowed. Hence, the following order :-

O R D E R

- [a] The civil application is allowed.
- [b] Delay of 3094 days caused in filing the appeal is condoned subject to condition that the applicants shall file an undertaking to the satisfaction of Registrar (Judicial) of this Court that in case the appeal for enhancement for favourably considered, they shall not claim interest and statutory benefit for the delayed period.
- [c] Civil application is disposed of.
- [d] Appeal be registered.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-