

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO.2865 OF 2020
IN FAST/27737/2018

LINGAYYA SHIVAYYA SWAMI (DIED) THR
LRS RATNABAI (DIED) THR LRS GUNDAPPA AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Advocate for Applicants : Mr Vivekanand V. Ingale
AGP for Respondent Nos. 1 and 2/State : Mr S.B. Yawalkar

CORAM : S.G. CHAPALGAONKAR, J.
DATE : 24-02-2023

PER COURT :

1. Heard.
2. The learned advocate appearing for the applicants would submit that in connected cases, the applications seeking delay condonation are allowed by this Court. He placed on record the copy of order passed in civil Application No. 11785 of 2019 in FAST No. 27689 of 2018 with connected matters. He would submit that the similar order may be passed in the present application. He would further urge that the delay caused in filing appeal is duly explained.
3. The learned AGP opposes the application. However, he does not dispute that in connected matters arising out of same land acquisition proceedings similar delay has been condoned.
4. Having heard the learned advocates appearing for the respective parties, it can be observed that the simialrly situated applicants are extended benefit of delay condonation in the respective appeals subject to condition that the applicants would not be entitled to claim the

interest on the enhanced amount of compensation if their appeals are allowed.

5. The civil application is allowed in aforesaid terms.
6. The delay caused in filing the first appeal is condoned.
7. The appeal be registered.
8. On registration of appeal, issue notice to the respondents.
9. Learned AGP waives service of notice for the respondents/State.
10. Call for record and proceedings.

[S.G. CHAPALGAONKAR, J.]

mta