

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

CIVIL APPLICATION NO.16877 OF 2022
IN FAST/31483/2022
WITH
CA/16878/2022 IN FAST/31984/2022

ANANDRAO ANNAPPA MULE (DIED) THR LRS LAXMIBAI ANANDRAO
MULE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ANR

...

Advocate for Applicants : Mr. Gajanan K. Sontakke
AGP for respondent : Ms. P.V. Diggikar.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 10TH JULY, 2023

ORDER :-

By these applications, the applicants seek to condone the delay of 5208 days in filing the first appeal against the judgment and award dated 11.3.2008 in L.A.R. No. 226 of 2004. The contention of the applicants is that, the person who was looking after the litigation expired and the LRs were not having knowledge of the pending proceeding. The learned counsel for the applicants further submits that many other appeals arising out of the same award are pending before this court and delay caused in filing such appeals are pending. A copy of the order in group of matters in civil application No. 1104 of 2012 in FAST No. 32136 of 2011 dated 5.12.2014 is placed before this Court in support of said contention.

2. Learned advocate for the applicants would further submit

that the applicants are litigating for getting just compensation in respect of their acquired land. The valuable right of the parties requires adjudication on merit.

3. The learned AGP appearing for the respondent State opposed the prayer on the ground that there is inordinate delay in filing the appeal and explanation as given in the application would not constitute sufficient cause. Though, notice of this application is served upon the acquiring body, none appears for the respondent.

4. Pertinently, the reasons as given in the applications are not controverted by the respondents by filing reply. Even it is not in dispute that many other appeals arising out of the same acquisition filed by various claimants are pending consideration before this court. In that view of the matter, it would be just and proper to allow the applications subject to condition that the applicant shall not be entitled to claim interest for the delayed period in case the appeal is favourably considered. Hence, the following order :-

:-O R D E R :-

[I] The civil applications are allowed. Delay of 5280 days caused in filing the appeals is condoned subject to condition that the applicants file an undertaking with the Registrar (Judicial) of this court that he would not claim interest for the delayed period.

[ii] Appeals be registered.

**[S.G. CHAPALGAONKAR]
JUDGE**

grt/-