

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.6148 OF 2019
IN FAST/35259/2018

FAKIRA GAMAJI SHINGARE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Abhishek M. Hajare
AGP for Respondent Nos. 1 and 2/State : Mr. A.S. Shinde

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

PER COURT :

1. The applicant seeks to condone the delay of 2059 days caused in filing the appeal challenging the Judgment and award passed by the 6th Jt. Civil Judge, Aurangabad in LAR No. 304/2001 dated 31-12-2012.

2. The learned advocate for the applicant submits that the delay caused in filing the appeal is unintentional. The applicant has not derived any advantage by making the delay. The land of the applicant has been compulsorily acquired. The applicant has good ground for enhancement of compensation. He would rely upon the orders passed by this Court in connected appeal arising out of the same award. Such orders are passed in ***Civil Application No. 9261/2019 in FAST No. 35261/2018*** in the matter of ***Sitaram Nathu Pawar Vs. The State of Maharashtra*** and in ***Civil Application No. 8872/2019 in FAST No. 13687/2019*** in the matter of ***Gulab Giri Narayan Giri and Anr. Vs. The State of Maharashtra and others***. The delay of similar nature has been condoned by this Court under those orders.

3. The learned AGP appearing for respondent Nos. 1 and 2 does not dispute the position that the orders referred are relating to same award. The notice of the application is served upon the respondent No. 3, however, no appearance is caused.

4. Considering the aforesaid submissions, it is just and desirable to condone the delay with condition that the applicant shall not be entitled to claim the interest for the delayed period, in case his prayer for enhancement of compensation is accepted by this Court. The delay is condoned.

5. The civil application is allowed and disposed of.

6. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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