

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

**18 CIVIL APPLICATION NO.1599 OF 2022
IN FAST/41025/2019**

**BHIMRAO PANDURANG SHINDE (DIED) THR LRS LUKHA AND ANR
VERSUS
THE COLLECTOR, AURANGABAD AND OTHERS**

Mr.A.M. Hajare, Advocate for the applicants.
Mr.S.P. Tiwari, AGP for the respondent/State.
Mr.S.C. Arora, Advocate for respondent No.3.

**CORAM : KISHORE C. SANT, J.
DATED : 21.09.2023**

PC :-

01. Heard learned Advocates for the parties. This application is filed seeking condonation of delay of 3300 days caused in filing the First Appeal for enhancement. The reasons assigned are that after acquisition of the land of the applicants, they were required to shift to other place in rehabilitation scheme. Second reason assigned is that their financial condition was not sound and they could not bear lawyer's expenses. It is also stated that because of the drought situation in the region they could not approach the lawyer.

02. The learned Advocate for the respondent Mr. Arora vehemently opposes the application stating that there is no justifiable reason given by the applicants for condonation of delay. No reason is given preventing the applicants from approaching this Court. He prays for rejection of the

application. Further, he submits that even if this application is to be allowed, it be made clear that the applicants will not be entitled to the interest for the period of delay.

03. Considering that the applicants are original claimants, they lost their land in the acquisition and they were required to shift from their original place to other place for rehabilitation, this Court finds that the application needs to be allowed. The application is, therefore, allowed. It is made clear that the applicants will not be entitled to receive amount of interest for the delayed period. The applicants shall also file such undertaking within two weeks from today. The filing of the undertaking shall be condition precedent for taking effect of this order and the said undertaking shall be part of the appeal.

[KISHORE C. SANT, J.]