



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

**CIVIL APPLICATION NO. 3116 OF 2014  
IN FAST/3355/2014**

**SHIVAJI SITARAM MOKASE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. P. P. Pisal, Advocate for the applicants  
Mr. M. K. Bhosale h/f Mr. S. S. Thite, Advocate for respondent  
Ms. K. R. Jamdhade, AGP for the respondent/State

**CORAM : R. M. JOSHI, J.  
DATE 2<sup>nd</sup> AUGUST, 2024**

**PER COURT :-**

1. This application is filed for condonation of delay of 2298 days for filing appeal against the judgment and award dated 26/07/2007 passed in L.A.R. No.12/2005.
2. It is the contention of the applicants that their father who was prosecuting the reference died prior to decision of the said case. The applicants claim that they have no knowledge about the pendency of the said proceeding or any order passed therein. On these grounds, the appeal is filed belatedly.
3. Learned AGP opposed the application.
4. The appellants having lost the land by way of compulsory

acquisition are entitled to receive adequate compensation. Hence, delay deserves to be condoned. However, considering the fact that the proceeding of L.A.R. No. 12/2005 was decided on 26/07/2007, appeal is filed in the year 2014 and the application for condonation of delay is pressed in 2014, this Court is not inclined to grant any interest to the appellants if they succeed in the enhancement of the compensation. This order is necessary in view of the statutory interest of 15% payable on the amount of compensation to be paid for acquisition of land. It cannot be forgotten that the amount of interest is paid from the public exchequer. It is often found that the claimants either do not file the proceedings in time or do not take steps for its prosecution for the reason that they would be entitled to receive 15% interest which is otherwise no possible to get in any fixed deposit. Hence application is allowed.

5. It is clarified that the appellants would not be entitled to seek any interest till today on enhanced amount.

**(R. M. JOSHI, J.)**

ssp