



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

55 CIVIL APPLICATION NO. 8541 OF 2016
IN
FAST/25756/1998
SUNDAR BABURAO BABARE BEED
VERSUS
STATE OF MAHARASHTRA

...

Advocate for Applicant :
Mr. Shubham Jaybhar h/f. Mr. D. R. Jaybhar
AGP for Respondent/State: Mr. S. B. Jadhav

...

WITH
CIVIL APPLICATION NO. 8544 OF 2016
IN
RC/511/2020

MARUTI RAMCHANDRA FARTADE BEED
VERSUS
STATE OF MAHARASHTRA

...

Advocate for Applicant :
Mr. Shubham Jaybhar h/f. Mr. D. R. Jaybhar
AGP for Respondent/State: Mr. S. B. Jadhav

WITH
CIVIL APPLICATION NO. 8543 OF 2016
IN RC/509/2020

MAHADEO SAHEBRAO AMBHORE
VERSUS
STATE OF MAHARASHTRA

...

Advocate for Applicant :
Mr. Shubham Jaybhar h/f. Mr. D. R. Jaybhar
AGP for Respondent/State: Mr. S. B. Jadhav

WITH

**CIVIL APPLICATION NO. 8217 OF 2018
IN
FAST/25756/1998**

SUNDAR BABURAO BABARE (DIED) THR LRS BABASAHEB AND
ORS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant :
Mr. Shubham Jaybhar h/f. Mr. D. R. Jaybhar
AGP for Respondent/State: Mr. S. B. Jadhav

**WITH
CIVIL APPLICATION NO. 8542 OF 2016
IN RC/510/2020**

MAHADEO MARUTI FARTADE BEED
VERSUS
STATE OF MAHARASHTRA

...
Advocate for Applicant :
Mr. Shubham Jaybhar h/f. Mr. D. R. Jaybhar
AGP for Respondent/State: Mr. S. B. Jadhav

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18th MARCH, 2024

PER COURT:

1. Heard.

2. The appellants have filed the first appeals against the order dated 08.04.1985 in the year 1998. There is delay of 3541 days in filing the first appeals. The said first appeals were dismissed in default on 12.01.1999. The restoration applications were filed in the year 2011. The

same were allowed by order dated 18.11.2015. The first appeals were restored, subject to a statement so recorded that the appellants will not be claiming interest in respect of period which is spent due to aforesaid circumstances i.e. for the period of date of dismissal till the date of restoration.

3. Thereafter, again the matters were dismissed for default on 24.02.2020. The applications for condonation of delay were dismissed for default and the same were restored by order dated 16.02.2021.

4. In the applications for condonation of delay, the learned counsel for the applicants submits that they are the poor agriculturists whose lands are acquired and that they did not have resources to conduct the matter and pay the court fees and in the interest of justice, the delay be condoned.

5. Per contra, the learned AGP for the respondent / State submits that the delay is large and not correctly explained and, as such, the civil applications be dismissed.

6. In response to the submissions of the learned AGP, the learned counsel for the applicants submits that the applicants would not claim any interest or statutory benefit for the delayed period from the date of the impugned order till the date of the filing of the restoration applications i.e. 13.10.2011.

7. In view of the submissions made by the learned counsel for the applicants, the delay is condoned. The civil applications for condonation of delay are disposed of.

8. However, it is clarified that in the event, if the appellants succeed in the first appeals, they would not be entitled for the interest or statutory benefit from the date of the order of the reference court till the date of filing of the restoration applications i.e. 13.10.2011.

9. The First Appeals are **admitted**. On admission, the learned counsel / AGP waive notice for the respective respondents. Call R & P Office objections, if any, to be removed within a period of four (04) weeks from today.

10. Civil Application No.8217 of 2018 is filed to bring the legal heirs on record. The learned counsel for the applicants submits that he would take instructions, whether there are any other legal heirs. List the application for bringing the legal heirs on record, on 15.04.2024. The learned counsel for the applicants to file the necessary affidavit of the legal heirs service on record.

[ARUN R. PEDNEKER, J.]

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