



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

**CIVIL APPLICATION NO. 9222 OF 2016
IN FAST/8676/2016**

Rambhau Pandurang Shinde
died through L.Rs.
Dnyanoba Rambhau Shinde
died through L.Rs.
Satyabhamabai Dnyanoba Shinde and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr. H. B. Nandagavale, Advocate h/f Mr. V. G. Sakolkar, Advocate for
the Applicants.
Mr. S. V. Hange, AGP for Respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2024.

PER COURT :-

. This application is for condonation of delay of 2166 days caused in filing first appeal against the judgment and award dated 06.01.2010 passed in L.A.R. No. 14/2006.

2. The applicants submit that, they resides in a remote village and hence, could not know about the award being passed. It is contended that, the delay is not deliberate as time was required for collecting money for Court fees and other references.

3. The learned A.G.P. opposes the application by contending that the delay is not satisfactorily explained.

4. This is a case of compulsory acquisition of land belonging to the applicants. It is right of the claimants to receive just and fair compensation against such compensation. Unless malafides are seen, delay for preferring the appeal against such proceeding deserves to be condoned.

5. In the interest of justice, no malafides can be attributed to the applicants. Hence, the application stands allowed in terms of prayer clause (B).

6. If the applicants succeed in the appeal, the applicants shall not be entitled to seek any interest for the above said period.

7. The civil application is disposed of.

(R. M. JOSHI, J.)

P.S.B.