



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**984 CIVIL APPLICATION NO. 4625 OF 2024
IN FAST/8694/2024**

GINYANDEO S/O DNYANDEO @ NAMDEO GHODKE DIED THR LRS
SUBHADRA BAI DNYANDEO GHODKE AND ORS

VERSUS

THE UNION OF INDIA THROUGH THE GENERAL MANAGER CENTRAL
RAILWAY MUMBAI AND ORS

...

Advocate for Applicant : Mr. Manoj Uttamrao Shelke.

Advocate for Respondents : Mr. Bhushan B. Kulkarni.

AGP for Respondent/State : Mr. P. D. Patil.

...

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

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties.

2 This application is for condonation of delay of 316 days caused in filing the appeal. The appeal is by the claimants, whose reference under the Land Acquisition Act came to be dismissed by the Reference Court. It is stated that the applicants could not get the knowledge immediately that they can file an appeal against the impugned judgment and order. It is also prayed that since the valuable right of the applicants is involved as their land came to be acquired, a submission is made to allow the application.

3 The application is vehemently opposed by the learned standing

counsel for respondent Nos.1 to 3. He submits that there is no proper explanation given for the condonation of delay. The cause shown is not sufficient.

4 Considering that the application is by the claimants, who lost their land in the acquisition proceedings, this Court is inclined to allow the application. Hence, the delay of 316 days caused in filing the appeal stands condoned. The application is allowed. Office to register the appeal.

5 The applicants shall file an undertaking that in case they succeed in the appeal, they shall not claim the interest for the delayed period.

Appeal:

6 Issue notice to respondents, returnable on 23rd January, 2025. Mr. B. B. Kulkarni, learned standing counsel waives notice on behalf of respondent Nos.1 to 3.

[KISHORE C. SANT, J.]