



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6240 OF 2019
IN FAST/10593/2019

Omprakash Sangramappa Murke And Ors

VERSUS

The State Of Maharashtra And Ors

...

Mr. V. G. Sakolkar, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondent Nos. 1 and 2

Mr. V. C. Solshe, Advocate for Respondent No. 3

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CORAM : R.M. JOSHI, J

DATE : FEBRUARY 09, 2024

PER COURT :

1. This application is for condonation of delay of 2592 days for preferring appeal against judgment and award dated 14.11.2011 passed in LAR No. 106/2009.

2. Applicants claim that they did not have knowledge about the judgment and award and they could get said knowledge in the month of December, 2018. It is further claimed that Applicants have received the amount of compensation in the month of December, 2019 and thereafter, they could arrange funds for preferring appeal.

3. Learned counsel for acquiring body opposed the application on the ground that no satisfactory reason

is given for condonation of delay.

4. Appeal sought to be filed by applicants arises out of compulsory acquisition of land. It is the right of the claimants to seek just and fair compensation in respect of the said compulsory acquisition. This Court finds no *mala fides* on the part of the applicants in not preferring appeal in time.

5. Having regard to these facts, application deserves to be allowed. Hence, application is allowed in terms of prayer clause 'B'. Applicants would not be entitled to get interest for the period of delay, if they succeed in Appeal. Appeal be registered.

(R. M. JOSHI, J.)

Malani