



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

**CIVIL APPLICATION NO.7247 OF 2009 IN
FIRST APPEAL (ST.) NO.13631 OF 2009**

Ishwar Sukhdep Patil (Wagh) & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Ms Sakshi Kale, Advocate holding for
Mr. A.B. Kale, Advocate for applicants
Mr. V.V. Tarde, Advocate for respondents No.1 and 2
Mrs. U.S. Bhosle, A.G.P. for respondent State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 8th APRIL, 2024

ORDER :

This is an application for condonation of 480 days delay in preferring the appeal against the judgment and order passed by the learned Reference Court in Land Acquisition proceedings.

2. Heard. It is submitted by learned counsel for the applicants that the delay has occasioned due to lack of funds with the applicants and, therefore, they could not file the appeal within the prescribed period of limitation.

3. The learned A.G.P. vehemently opposed the application and submitted that the application be rejected.

4. It is submitted by learned Advocate for respondents No.1 and 2 that, as no sufficient reason has been shown by the applicants to condone the said delay, the application be rejected.

5. Considering the reasons given in the application, we allow the application in terms of prayer clause (B) and condone the delay subject to the applicants filing an undertaking before this Court within a period of one week from today that they will not claim interest for the said delayed period.

6. On submission of the aforesaid undertaking, office shall register the appeal and place before this Court on 19th April 2024.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-