



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 1777 OF 2022
IN FAST/23868/2019

Kalim Maula Shaikh & another

....Applicants

VERSUS

The State Of Maharashtra & another

.....Respondents

.....

Mr. D. V. Jadhav, Advocate holding for Mr. R. V. Naiknavare, Advocate for Applicants

Mr. D. B. Bhangе, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 17th JANUARY, 2024.

PER COURT :

1. This is an application for condonation of delay of 2795 days in preferring appeal against the judgment and award 29th December, 2003 passed in LAR No. 910/2006. It is the contention of applicants that they are agriculturists and had no alternate source of income except for the land in question. It is also claimed that on account of drought situation in Latur district and since work was not available they had to shift to Hyderabad for their survival. Due to this reason they were not in a position to be in contact with their lawyer. For all these reasons, delay is caused in preferring appeal. Learned AGP opposed the application.

2. This is a case of compulsory acquisition. Applicants have cited sufficient reasons for not preferring the appeal in time. Even otherwise, they would not have gained anything by not preferring the appeal in time. By denying interest for the period of delay, an opportunity needs to be given to the applicants to contest the judgment and award impugned. Hence, application is allowed in terms of prayer clause 'B'. Applicants would not be entitled to seek any interest for the aforestated period if they succeed in the appeal.

(R. M. JOSHI)
Judge

dyb