



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6192 OF 2022
IN FAST/34973/2019

Dattu Bajirao Suryawanshi (died)
Thr Lrs Pratap And Anr

VERSUS

The State Of Maharashtra And Ors

...

Mr. V. G. Sakolkar, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondent Nos. 1 and 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 308 days for preferring appeal against judgment and award dated 05th October, 2018 passed in LAR No. 480 of 2011.

2. Applicants claim that they did not have knowledge about the judgment and award and they could get said knowledge in the month of September, 2019. It is further claimed that Applicants have received the amount of compensation in the month of September, 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