



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**932 CIVIL APPLICATION NO. 1618 OF 2022
IN FAST/629/2022**

PREMSING S/O GUNDUSING CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, LATUR
AND ANOTHER

WITH
CIVIL APPLICATION NO. 1375 OF 2022
IN FAST/632/2022

VIJAYSINGH S/O.GUNDUSINGH CHAVAN
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, LATUR
AND ANOTHER

.....
Advocate for Applicants : Mr. Anant R. Devakate
AGP for Respondents - State : Mr. D. R. Korade
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 19 SEPTEMBER 2025

PER COURT :

1. Both these applications are for condonation of delay of 5487 days caused in filing appeal against judgment and award passed by the Joint Civil Judge Senior Division, Latur.

2. Learned Advocate for applicants pointed out that, reasons for delay are spelt out in paragraph nos.3 to 6 of the applications and stated

that there is no deliberate and intentional delay. That, there is a good case in appeals and therefore, in the interest of justice and fair opportunity, delay so caused is sought to be condoned.

3. Learned AGP for the respondents - State strongly opposed the applications pointing out that there is no plausible explanation for the delay and applicants are not entitled for interest and statutory benefits for the delayed period.

4. For the reasons mentioned in civil applications, more particularly, in paragraph nos.3 to 6 and in the interest of justice and fair opportunity, delay so caused is required to be condoned. At the same time, the applicants shall not be entitled to get statutory benefits as well as the amount of interest for the delayed period as per the ratio laid down in the case of *Ningappa Thotappa Angadi v. The Special Land Acquisition Officer* reported in (2020) (19) SCC 599. Hence, the following order is passed :-

ORDER

- (i) Both applications are allowed.
- (ii) The applicants/original claimants shall furnish undertaking that they would not claim the statutory benefits as well as the amount of interest for the delayed period.

(iii) Registry is directed to register the Appeal.

(iv) In First Appeal, issue notice to the respondents, returnable within eight weeks. Learned AGP waives service of notice on behalf of respondents.

(ABHAY S. WAGHWASE, J.)