



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1370 OF 2022
IN FAST/2475/2020**

SURYAKANT BABURAO SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. L. R. Tade h/f. Mr. Anant R. Devakate
AGP for Respondents - State : Mr. V. S. Badakh
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**CORAM : ABHAY S. WAGHWASE, J.
DATED : 19 SEPTEMBER 2025**

PER COURT :

1. Present application is for condonation of delay of 4767 days caused in filing appeal against judgment and award passed by the Joint Civil Judge Senior Division, Latur in L.A.R. No.643 of 2003.
2. Learned Advocate for applicant pointed out that, reasons for delay are spelt out in paragraph nos.3 to 5 of the application and stated that there is no deliberate and intentional delay. That, there is a good case in appeal 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 application pointing out that there is no plausible explanation for the

delay and applicant is not entitled for interest and statutory benefits for the delayed period.

4. For the reasons mentioned in civil application, more particularly, in paragraph nos.3 to 5 and in the interest of justice and fair opportunity, delay so caused is required to be condoned. At the same time, the applicant 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) The application is allowed.
- (ii) The applicant/original claimant shall furnish undertaking that he 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.)