



(1)

16-CA-11012-2010

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 11012 OF 2010
IN FAST/11761/2010

Aba Sitaram Pawde (died) Lrs Gangabai Abasaheb Pawde And Ors.

VERSUS

The State Of Maharashtra And Ors.

...

Mr. Deepak M. Kakade, Advocate for Applicants.

Smt. M. N. Ghanekar, AGP for Respondent-State.

Mr. Shyam C. Arora, Advocate for Respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 23rd JULY 2025.

PC :-

1. Heard the learned Advocate for the parties.
2. This application is filed for condonation of delay of 1126 days caused in filing the appeal. The application was dismissed in default for non-payment of *bhatta* in the year 2011, vide order dated 2nd September 2011. The same has been restored by order dated 18th August 2023 and thereafter, it is moved.
3. It is stated that the applicants are poor agriculturists without any source of income after acquisition of their land. The land which was

acquired was the sole source of income for the applicants. Learned Advocate prays for allowing the application and to register the first appeal.

4. Application is vehemently opposed by the respondent. It is submitted that there is no proper reason assigned. It is further submitted that if the delay is condoned, the amount of interest will have to be paid from the State exchequer.

5. Considering above submissions and since the appeals and the applications are filed by the claimant, who have lost their land in acquisition, this Court is inclined to allow the application, on following conditions.

ORDER

- (i) Application is allowed. Delay stands condoned.
- (ii) The applicant shall not be entitled to receive any statutory interest for the delayed period.
- (iii) The applicants shall be entitled to only receive 50% of the amount of the statutory benefits from January 2014 till the date of restoration of the application i.e. 18th August 2023. The applicants to file an

undertaking to that effect in the appeal.

6. With this, civil application stands disposed off.

7. Office to register First Appeal.

FIRST APPEAL

8. Heard. Issue notice to the Respondents.

9. Learned APP waives service of notice for Respondent Nos. 1 and 2.

10. Learned Advocate Mr. Arora waives service of notice for Respondent No.3.

11. Learned Advocate for the appellants submits that other matters from the same group have been settled in Lok Adalat. He, therefore, requests to place this appeal as well before next Lok Adalat, i.e., on 13th September 2025.

12. Place the First Appeal before the National Lok Adalat, which is scheduled to be held on 13th September 2025.

[KISHORE C. SANT, J.]