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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**35 CIVIL APPLICATION NO. 7635 OF 2023
IN FAST/12788/2023**

SMT. NABABAI RAMDAS PATIL, DIED, THR LRS SANTOSH
RAMDAS PATIL, DIED THR LRS MEERABAI SANTOSH PATIL
AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UTP, HATNUR 2
JALGAON AND ANR

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Mr K. G. Narwade, Advocate h/f Mr A. B. Kale, Advocate for
applicants

Ms R. R. Tandale, A.G.P. for respondent No.1

Mr V. V. Tarde, Advocate for respondent No.2

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30th June, 2025

PER COURT:

1. Heard Advocate Narwade holding for Advocate A. B. Kale, learned counsel for the applicants, learned A.G.P. for respondent No.1 and Advocate Mr Tarde, learned counsel for respondent No.2.

2. The applicants seek condonation of delay of 6119 days in filing the first appeal. In response to the notice issued earlier, learned A.G.P. appears for respondent No.1 and learned counsel Mr Tarde appears on behalf of respondent No.2.

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3. Learned counsel for the applicants submits that the delay occurred in filing the first appeal on account of poor financial condition of the applicants, whose lands have been acquired earlier. He further submits that in similar other matters, the delay is condoned, subject to condition that the applicants shall not claim any interest for the period of delay.

4. Learned A.G.P. appearing for respondent No.1 and Advocate Tarde appearing for respondent No.2 strongly oppose the application on the ground that the delay is not properly explained. It is submitted that there is no sufficient cause stated in the entire application for condoning the inordinate delay.

5. Considering the statutory rights of the applicants and the reasons mentioned in the application, I am of the view that the delay needs to be condoned.

6. In view of the law laid down by the Hon'ble Supreme Court in the matter of **Suresh Kumar Vs. State of Haryana and others with connected appeals** (arising out of SLP (C) No.670 Of 2020), this application is allowed, subject to the condition that the applicants shall file an undertaking to the satisfaction of the Registrar

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(Judicial) of this Court that they shall not claim interest and statutory benefits for the delayed period, in case their appeal for enhancement of compensation is favourably considered. Undertaking be filed within a period of eight weeks from today, which shall be made part of the first appeal.

7. This civil application is disposed of. Delay is condoned. Appeal be registered, subject to removal of all office objections.

(PRAFULLA S. KHUBALKAR, J.)

sjk