



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

**921 CIVIL APPLICATION NO. 9566 OF 2013
IN FAST/13904/2013**

**NAMDEO SANGANNA SUDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for the Applicants : Mr. Madde Shrikant B
AGP for Respondent/State : Mr.S.M.Ganachari
Advocate for Respondent No.2 : Mr.Ram B.Deshpande

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**CORAM : SHAILESH P BRAHME, J.
DATE : 4th APRIL 2025**

PER COURT :

. This application is for condonation of delay of 267 days in preferring First Appeal, challenging judgment and award dated 23.04.2012 passed in L.A.R No.112 of 2005.

2. Learned counsel for the applicants submits that delay deserves to be condoned in view of the grounds mentioned in paragraph Nos. 4 to 8 of the application. Delay is not intentional. This Court has already condoned delay in similarly situated appeals of the claimants whose lands were acquired for the similar project. Due to illiteracy and poor financial conditions, it was not possible for the applicants to prefer appeal in time. It is further submitted that the lawyer engaged by them died in the month of october 2021. The present lawyer caused his appearance in the year 2024. This situation was beyond

control of the applicants.

3. Learned counsel Mr.Deshpande appearing for Respondent No.2 contesting party submits that delay is inordinate. The explanation for condonation of delay is not convincing. It is submitted that after filing of application for condonation of delay alongwith appeal, no steps were taken to circulate the matter for years. If the appeal is allowed, applicants will be entitled to statutory benefits and the interest which is to be given from the public ex-chequer. Hence, it is necessary to hold the applicants responsible for the lapses.

4. Present application is filed on 02.05.2013. It was circulated on 25.01.2017 but the lawyer was absent. The notices were issued but the applicants did not supply copies. Therefore, on 04.06.2018, conditional order was passed. From filing of the application till 04.06.2018, there are lapses on the part of the applicants and their earlier lawyer. No explanation is coming forth for the same. In october 2021, earlier lawyer died and the present counsel caused his appearance in the year 2024.

5. The applicants are illiterate persons and their financial condition is also moderate. Therefore, I am not inclined to deprive them from the statutory benefits alongwith interest from 04.06.2018 till further period. However, it would be inappropriate and unreasonable to grant them the statutory benefits and the interest from 02.05.2013 to 04.06.2018 attributable to their lapses.

6. For the reasons stated in the application as well as oral submissions of learned counsel for the applicants, I deem it appropriate to condone the delays. The appeals filed by similarly situated claimants have not been heard finally. For that reason also delay needs to be condoned and matter needs to be heard on merits.

7. Civil application is allowed in terms of Prayer Clause (B) on condition that applicants shall not be entitled to statutory benefits and the interest for the delayed period of 267 days and additionally for the period from 02.05.2013 to 04.06.2018 in case they succeed in the appeal.

8. Office is directed to register First Appeal.

[SHAILESH P BRAHME, J.]

vsj..