



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 15194 OF 2022  
IN FAST/21316/2022**

LAXMIBAI DNYANDEV BORADE

VERSUS

THE STATE OF MAHARASHTRA THR. THE COLLECTOR, JALNA AND OTHERS

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Advocate for Applicant : Mr. More Kumar Gaurav M.

AGP for Respondent Nos.1 and 2 - State : Mr. S. S. Dande

Advocate for Respondent No.3 : Mr. Rohit Survase h/f. Mr. B. R. Survase

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**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 08 AUGUST 2025**

**PER COURT :**

1. Present application is for condonation of delay of 1993 days caused in filing appeal against judgment and award passed by the Joint Civil Judge, Senior Division, Jalna in L.A.R. No.211 of 2012.

2. Learned Advocate for applicant pointed out that, reasons for delay are spelt out in paragraph nos.4 to 7 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 Advocate for the respondent no.3 strongly opposed pointing out that there is no plausible explanation for the delay and

applicant is not entitled for statutory benefits for the delayed period.

4. For the reasons mentioned in civil application, more particularly, in paragraph nos.4 to 7 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 as provided in the Land Acquisition Act, 1894 for the delayed period. 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 as provided in the Land Acquisition Act, 1894 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 respondent Nos.1 and 2 and learned Advocate Mr. Rohit Survase h/f. Mr. B. R. Survase waives service of notice on behalf of respondent No.3.

**(ABHAY S. WAGHWASE, J.)**