



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 CIVIL APPLICATION NO. 11542 OF 2023 IN FAST/25274/2023

KOKILABAI BALIRAM PATIL AND ANR

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER-2, U.T.H.P., JALGAON AND ORS

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Advocate for Applicant : Mr. A. B. Kale

AGP for Respondent No.1 : Ms. P. V. Diggikar

Advocate for Respondent No.2 : Mr. S. B. Kadu

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 05.05.2025

PER COURT :-

CIVIL APPLICATION NO. 11542 OF 2023

1. This is an application for condonation of delay of 3617 days in preferring the First Appeal by the original claimant for enhancement of compensation. The learned AGP appears for respondent No.1 and Mr. S. B. Kadu appears for respondent No.2. Respondent No.3 is served and nobody appears for respondent No.3.

2. According to the applicants, the appeal could not be filed in time due to financial constraints and the delay occurred in filing the appeal is unintentional. It is submitted that the applicants have a strong case on merits and they desire to contest the First Appeal on merits. In support of their

arguments on condonation of delay, the applicants submits that they are ready to waive their claim for interest and statutory benefits for the period of delay (3617 days). The applicants relies on order dated 21.04.2025 passed by this Court in identical matter bearing *Civil Application No.6523 of 2022* in *FAST/6209/2020* and requests for similar order in this matter.

3. The learned AGP as well as learned counsel for respondent No.2 does not dispute the fact that the delay has been condoned in identical matters.

4. After hearing both the sides and for the reasons mentioned in the Civil Application, the application is allowed and delay of 3617 days in filing the First Appeal is condoned.

5. It is directed that the applicants shall not be entitled for the interest and statutory benefits for the period of delay. Copy of this order be kept in the order sheet of the appeal memo.

6. The Civil Application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)