

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11749 OF 2024
IN FAST/28064/2024

Devidas Shankar Tupe And Ors

VERSUS

The State Of Maharashtra Through The Collector Jalna And Ors.

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Advocate for Applicants : Mr. Bhise Vitthal Dnyanoba

AGP for Respondents/State : Mr. V.S. Badakh

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CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 08, 2025

PER COURT :

1. Heard learned advocates appearing for the respective parties.
2. The applicants seek to condone the delay of 859 days caused in filing the appeal. Learned advocate appearing for the applicants invites the attention of this Court to order dated 07.09.2022 passed in Civil Application No.2630 of 2019 in First Appeal (Stamp) No.416 of 2019, so also order dated 20.09.2024 passed in Civil Application No.5629 of 2024 in First Appeal (Stamp) No.11236 of 2024 and contends that both the aforesaid matters are arising out of same acquisition and similar kind of delay has been condoned by this Court.
3. Learned AGP points out that in order dated 20.09.2024, the delay is condoned subject to cost of Rs.5,000/- and same course may be adopted.

4. Considering the submissions advanced, the reasons stated in the application and the fact that the appeals arising out of the same acquisition are now being considered on merit after condoning the similar delay, so as to maintain the parity, the delay deserves to be condoned by imposing cost.

5. In the result, the application is allowed. The delay of 859 days caused in filing the appeal is condoned, subject to the condition that the applicants shall furnish an undertaking with the Registrar (Judicial) of this Court that they shall not claim interest and statutory benefits for the delayed period and also deposit cost of Rs.5000/- to the Advocate's Association Bar Library, High Court, Aurangabad.

6. The application stands disposed of.

(S.G. CHAPALGAONKAR, J.)