



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

**CIVIL APPLICATION NO. 1616 OF 2025
IN
FIRST APPEAL STAMP NO. 35391 OF 2024**

Vitthal Ramchandra Nhavi
Since deceased through his L.Rs.
Murlidhar Vitthal Ahire and another .. Applicants

Versus

The Special Land Acquisition Officer,
Minor Irrigation Jalgaon and others .. Respondents

Shri Vinayak Dahihande, Advocate h/f Shri Ajeet B. Kale,
Advocate for the Applicants.
Shri B. A. Shinde, A.G.P. for the Respondent Nos. 1 and 3.
Shri Suresh Chillarge, Advocate for the Respondent No. 2 and 4.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 12TH JUNE, 2025.**

FINAL ORDER :

. Heard learned counsel Mr. Dahihande for the applicants,
learned A. G. P. for the respondent Nos. 1 and 3 and Mr.
Chillarge, learned counsel for respondent Nos. 2 and 4.

2. Applicants are praying for condonation of delay of 2539
days caused in preferring first appeal against the judgment and
award dated 11.09.2017 passed in L.A.R. No. 732 of 2011 by 03rd
Joint Civil Judge Senior Division, Jalgaon. Learned counsel for
the applicants submits that contents of para Nos. 2 to 4 are good

grounds to condone the delay. There are no malafides on the part of the applicants in preferring appeal belatedly.

3. Respondents would oppose the submissions of the applicants. They would submit that inordinate delay has not been properly explained and the application is liable to be rejected.

4. Having considered submissions of the parties, I find substance in the submissions of the learned counsel for the applicants. The contents of the application are not controverted. It is desirable to condone the delay by imposing certain conditions. Applicants are ready to forego interest and statutory benefit for the delayed period.

5. For the reasons stated in the application the civil application is allowed in terms of prayer clause 'B'. The delay is condoned on condition that the applicants shall not be entitled to interest and statutory benefits for the delayed period of 2539 days. The civil application is disposed of. Office is directed to register the first appeal.

[SHAILESH P. BRAHME J.]

bsb/June 25