



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

**930 CIVIL APPLICATION NO. 803 OF 2020
IN FAST/40597/2019**

Damodhar Pavji Rote

VERSUS

Special Land Acquisition Officer, Minor Irrigation Jalgaon And Anr

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Ms Sakshi A. Kale h/f Mr. Ajeet B. Kale - Advocate for Applicant

Mr. R. B. Dhaware - AGP for Respondent/State

Mr. Bipinchandra K. Patil – Advocate for Respondent No. 2

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CORAM : NEERAJ P. DHOTE, J.

DATED : 16TH APRIL 2025

PER COURT : -

1. This is an Application for condonation of 6559 days' delay caused in preferring the First Appeal by the Claimants under the Land Acquisition Act.

2. The learned Advocate for the Applicants, learned AGP for the State and the learned Advocate for the Acquiring Body are present.

3. The learned Advocate for the Applicants submits that, due to financial constraints, the Applicants could not prefer Appeal within the stipulated period. It is further submitted that the only source of income for the Applicants was the land which came to be acquired by the

Acquiring Body. It is further submitted that the compensation amount is not received and the Execution Proceedings are pending. It is contended that the said delay is *bona fide* and not intentional and same may be condoned and the Appeal be heard on its own merits.

4. The Application is vehemently opposed by the learned Advocate for the Acquiring Body and the learned AGP for the State. They submit that there is huge delay and no sufficient reasons are shown in the Application for condonation of said delay.

5. There is no doubt that the delay is of 6559 days. The Advocate for the Applicants tenders across the bar a copy of the order dated 27th February, 2025 passed by this Court in Civil Application No.3630 of 2014 in FAST No. 3951 of 2014, wherein this Court has considered and condoned the delay of similar extent. A copy of the said order is taken on record. Perusal of the said order goes to show that the reasons for condonation of delay are more or less similar. Paragraph no. 3 of the said order reads thus : -

“3. *In view of above and in the light of observations made by the Supreme Court in para 14 of the judgment in the case of **Ramanlal Deochand Shah vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, civil application/s for condonation of delay is/are allowed. Delay in filing the appeal/s is hereby condoned on the condition that the applicant/s shall not be entitled for the*

amount of interest and/or other statutory benefits of the period for which delay sought to be condoned.”

6. In view of the above, the Civil Application is allowed in terms of prayer clause ‘B’. The Applicants shall not be entitled for interest and statutory benefit for the delayed period. A copy of this order be kept in the Appeal memo of this matter.

[NEERAJ P. DHOTE]
JUDGE