

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****FIRST APPEAL (ST) NO. 2461 OF 2022****ALONGWITH****INTERIM APPLICATION NO. 339 OF 2024****IN****FIRST APPEAL (ST) NO. 2461 OF 2022****Shila Sadashiv Patil****..... Appellant/
Applicant****V/s.****The Special Land Acquisition Officer
No.6, Pune****..... Respondent**

Ms.Amrita Kharkar i/b. Mr. P. H. Potnis for the Applicant.

Mr. A.R.Patil, Addl. G.P for the State – Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 14 OCTOBER, 2025****P.C. :-****INTERIM APPLICATION NO. 339 OF 2024**

1) This Interim Application is filed by the claimant for condonation of delay of 8 years and 286 days in filing the First Appeal.

2) The learned counsel for the Applicant submits that there is a delay of 8 years and 286 days counsel in preferring the First Appeal. He further submits that the Applicants were unable to take timely steps to challenge the impugned judgment and Award of the Reference Court due to financial constraints as the amount of Court Fees was required to be arranged.

3) Mr. A.R. Patil, learned Additional Government Pleader appearing for State/Respondent states that he has strong objections in condoning the delay. He submits that impugned judgment and Award has been passed on 17 January, 2013 and Appeal has been preferred in the year 2022. He further submits that the State should not be saddled with the liability to pay interest for the fault of the claimant and delay can be condoned subject to the condition that Applicant will not be entitled to claim interest from the date of passing of the impugned judgment and Award till the date of filing Appeal.

4) Learned counsel appearing for Applicant submit that the claimants will not claim any interest on the enhanced compensation and the statutory amount for the period of delay, i.e. 8 years and 286 days and necessary undertaking to that effect will be filed in this Court.

5) I have heard both sides and I have gone through the contents of the application.

6) Considering the ratio laid down in the decision of the Apex Court in the case of *Ningappa Thotappa Angadi (Dead) through Lrs vs. The Special Land Acquisition Officer*, passed in Civil Appeal No.9415 of 2019, dated 13th December, 2019, hence in the present proceedings, the delay needs to be condoned.

7) Interim Application is **allowed** in terms of **prayer clause (B)**, subject to an undertaking being filed in this Court by the Applicants within a

period of four weeks from today, that they will not claim interest on the enhanced compensation, if any, and on the statutory amount, for the period of delay i.e. 8 years 286 days caused in preferring the Appeal.

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8) This First Appeal has been filed challenging the Judgment and Award dated 17 January, 2013 passed by the District Judge, Pune in Land Acquisition Reference No. 9 of 2004.

9) Acquisition of the land pertains to the notification dated 4 July, 1991 issued under Section 4 of the Land Acquisition Act. The land pertains to Village Kalas, Taluka Indapur, District Pune for the purpose of 'New Mula Mutha Right Bank Canal'.

10) Heard learned counsel for both the sides.

11) **Admit.**

12) The Appellants to file private paper-book within a period of six months from today. A copy of the same to be served on other side.

13) Soft copy of R & P be sent by the trial Court to the High Court within 4 weeks from today. Original R & P should be preserved by the trial Court till further orders of this Court. Original R & P to be sent to the High Court when called for.

[RAJESH S. PATIL, J.]