AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO. 10402 OF 2026
WITH
INTERIM APPLICATION NO.5700 OF 2026

Gangadhar Ramchandra Kale,
since deceased through LRs ... Appellant

V/s.

The State of Maharashtra ... Respondent

ATUL GANESH KULKARNI
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Date: 2026.08.11 18:37:46 +0530

Mr. Anish Kikle i/by Mr. Pratik B. Rahade for the appellant/applicant.

Mr. A.R. Patil, Additional G.P. for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2026

P.C.:

Interim Application No.5700 of 2026:

1. The claimants have filed present interim application seeking condonation of delay in filing the first appeal. There is delay of 5 years 312 days in filing the first appeal.

2. Relying on the judgment of the Supreme Court in the case of *Dhiraj Singh vs. State of Haryana*, (2014) 14 SCC 127, it is submitted that in similar circumstances where the claimants in relation to other similarly situated lands got their claim enhanced, the Supreme Court condoned the delay with a condition that the claimant shall not claim interest for the period of delay.

3. Accordingly, the applicants have filed undertaking dated 3 August 2026 stating that from the date of Award till the date of appeal, the claimants shall not claim interest. The undertaking is accepted as an undertaking to the Court. It is taken on record and marked 'X' for identification.

4. Considering the ratio of the Supreme Court in *Dhiraj Singh vs. State of Haryana*, the interim application seeking condonation of delay is allowed in terms of prayer clause (a).

First Appeal (St.) No.10402 of 2026:

5. Admit.

6. Appellant to file paper book within one year from today.

(AMIT BORKAR, J.)