

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

CIVIL APPLICATION NO.11026 OF 2011 IN  
FIRST APPEAL ST.NO.10893 OF 2007 (R.C.1545/2010)  
WITH  
CIVIL APPLICATION NO.11027 OF 2011 IN  
FIRST APPEAL ST.NO.10817 OF 2007 (R.C.1546/2010)

Sk.Chand Sk.Mahboob (died)

(A) Sk.Ibrahim Sk.Chand (died)  
(on 6.9.2009)

(B) Sk.Hanif Sk.Mahboob

..Applicant

Versus

The State of Maharashtra  
through Special Land Acquisition  
Officer, Jayakwadi Project,  
Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicant

Mr S.N.Kendre, A.G.P. for respondent-State

- WITH

CIVIL APPLICATION NO.11028 OF 2011 IN  
FIRST APPEAL ST.NO.10923 OF 2007 (R.C.1536/2010)

Bhanudas Bhujangrao Shisode (died)  
per L.Rs.

(1) Ankush Bhanudas Shisode and ors.

..Applicants

Versus

The State of Maharashtra through  
Special Land Acquisition Officer,  
Jayakwadi Project, Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicants

Mr S.N.Kendre, A.G.P. for respondent-State

- WITH

CIVIL APPLICATION NO.11029 OF 2011 IN  
FIRST APPEAL ST.NO.10921 OF 2007 (R.C.1417/2010)

Suman Murlidhar Solunke

..Applicant

Versus

The State of Maharashtra through  
Special Land Acquisition Officer,  
Jayakwadi Project, Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicant

Mr S.N.Kendre, A.G.P. for respondent-State

- WITH

CIVIL APPLICATION NO.11030 OF 2011 IN  
FIRST APPEAL ST.NO.10909 OF 2007 (R.C.1535/2010)

Shivaji Bapurao Shisode and anr.

..Applicants

Versus

The State of Maharashtra through  
Special Land Acquisition Officer,  
Jayakwadi Project, Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicant

Mr S.N.Kendre, A.G.P. for respondent-State

- WITH

CIVIL APPLICATION NO.110318 OF 2011 IN  
FIRST APPEAL ST.NO.10933 OF 2007 (R.C.1539/2010)

Sudam Pandharinath Shisode

..Applicant

Versus

The State of Maharashtra through  
Special Land Acquisition Officer,  
Jayakwadi Project, Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicant

Mr S.N.Kendre, A.G.P. for respondent-State

- WITH

CIVIL APPLICATION NO.11032 OF 2011 IN  
FIRST APPEAL ST.NO.10904 OF 2007 (R.C.1543/2010)

Ramrao Madhavrao Shisode (died)  
Per Lrs

(1) Parsharam Ramrao Shisode and ors.

..Applicants

Versus

The State of Maharashtra through  
Special Land Acquisition Officer,  
Jayakwadi Project, Aurangabad

..Respondent

Mr N.K.Kakade, Advocate holding for Mr M.P.Harjule, Advocate for  
applicants

Mr S.N.Kendre, A.G.P. for respondent-State

**CORAM : MRS MRIDULA BHATKAR, J.**

**DATE : 30<sup>th</sup> September, 2011**

**PER COURT**

1. Lands of the farmers were acquired for Jayakwadi Project and earlier appeals were filed at principal seat at Bombay and thereafter, the matters were transferred to this Bench.

2. These applications are moved for recalling the conditional order passed on 6.6.2008. By the said order, this Court has allowed the applicants to remove all office objections including the objection related to Court fees within eight weeks from 6.6.2008. On this condition the order passed by the Additional Registrar earlier in 1982 rejecting the registration of the first appeals for non payment of deficit Court fees was set aside. Lands of the farmers were acquired for Jayakwadi Project and earlier appeals were filed at principal seat at Bombay and thereafter, the matters were transferred to this Bench. However, unfortunately, the applicants/appellants though tried to remove most of the objections, some objections were not removed. Hence, the conditional order dated 6.6.2008 was came into force and the matters were dismissed.

3. Learned Counsel for the applicants submits that these applicants are poor farmers and are ready to relinquish the interest for the period of 1171 days which is a delay period. It is pointed out by the learned Counsel that earlier, by order dated 29.7.2011 this Court has allowed applications and the orders were recalled by this Court and the order of dismissal passed by the Additional Registrar was set aside in other connected appeals from the same group.

4. These applications are considered. The appeals were filed in the year 1982. Delay is inordinate. However, as the orders in the other connected appeals are recalled and the appellants are ready to relinquish their interest of the period of delay, the applications can be allowed by imposing costs of Rs.250/- in each appeal. I appreciate gesture of the learned Counsel for the applicants, who shown willingness to pay Rs.250/- costs out of his own pocket.

5. All applications are, therefore, allowed in terms of prayer clause (A), (B) and (C) on payment of costs of Rs.250/- to be paid in each appeal within a period of six weeks from today. Objections to be removed within six weeks from today.

**( MRS MRIDULA BHATKAR, J. )**

(vvr/11026.11ca)