

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1987 of 2016 in FAST/2241/16
WITH
CIVIL APPLICATION NO. 16881 of 2015 in FAST/10568/15
WITH
CIVIL APPLICATION NO. 16880 of 2015 in FAST/10562/15
WITH
CIVIL APPLICATION NO. 16882 of 2015 in FAST/10564/15
WITH
CIVIL APPLICATION NO. 16883 of 2015 in FAST/10566/15

RAJENDRA RAMDAS PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Bhokarikar Madhav M
AGP for Respondents : A.M. Phule

...
CORAM : P.R. BORA, J.
DATE : 30-09-2016.

Per Court :

1. Not on board. Taken on board

2. Heard. Delay ranging between 1187 to 1437 days has occurred in filing the present appeals by the original claimants in exception to the awards passed in respective Land Acquisition References. The learned counsel submitted that because of the financial difficulties, the applicants/appellants could not file the present appeals within the stipulated period of limitation. The learned Counsel, on instructions, submitted that the applicants/appellants will not claim any interest under Section 28 and 34 of the Land Acquisition Act, 1894 in the event of success in the present appeals for the period of delay which has occurred in

filings the present appeals.

3. Learned AGP and learned Counsel appearing for respective respondents have opposed for condoning the delay stating that the reasons as are assigned, are not sufficient to condone the delay.

4. I am however inclined to allow the present application in view of the submission made by the applicants/appellants that they will not claim any interest under Section 28 and 34 of the Land Acquisition Act, 1894 for the delayed period. Hence, the following order, -

ORDER

- i) The applications are allowed. The delay caused in filing the appeals is condoned.
- ii) The appeals be registered in accordance with law.
- iii) It is clarified that as undertaken by the applicants/appellants, they will not be entitled for any interest under Section 28 and 34 of the Land Acquisition Act, 1894, in the event they succeed in the present appeals and the amount of compensation is enhanced, on the said enhanced amount of compensation for the period of delay. A copy of this order be placed in the papers of the appeals. All civil applications stand disposed of.