



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

48 CAF/1808/2019
In
FA(ST)/34070/2018

MR. GOVIND WALU GAIKAR
(DECEASED) THR. LRS. 1A. BAJIRAO
GOVIND GAIKAR AND ORS. ..APPLICANTS
VS
STATE OF MAHARASHTRA THR. THE
S.L.A.O. AND ANR. ..RESPONDENTS

Adv. Ashish Gabhale i/b. Jay & Co. for appellant/applicant.
Adv. Mahesh Pawar a/w. Adv. Chaitrali Deshmukh for respondent
no.2.
Mr. A. R. Patil, Addl. G.P for State.

CORAM : RAJESH S. PATIL, J.

DATE : 15 APRIL 2026.

PC. :

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- 1) This civil application is filed by the claimant for condonation of delay of 7 years and 230 days in filing the first appeal.
- 2) The learned counsel for the applicant submits that there is a delay of 7 years and 230 days in preferring the first appeal. He further submits that the applicant was 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. Pawar, learned counsel appearing on behalf of the Acquiring Body-respondent states that he has strong objection in condoning the delay. He submits that impugned judgment and award has been passed on 13/1/2011 and appeal has been preferred in the year 2018. 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 the 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 on behalf of the applicant submits that the claimant will not claim any interest on the enhanced compensation and the statutory amount for the period of delay i.e. 7 years and 230 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 13/12/2019, delay stands condoned, subject

to an undertaking being filed in this Court by the applicant that they will not claim interest on the enhanced compensation, if any, and on the statutory amount, for the period of delay i.e. 7 years and 230 days caused in preferring the appeal.

- 7)** Civil Application is **allowed** in terms of prayer clause (a).
- 8)** The undertaking to be filed within a period of four weeks from today.

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- 9)** Heard learned counsel for both sides.
- 10)** Admit.
- 11)** The appellant to file private paper-book within six months from today. A copy of the same to be served on other side.
- 12)** R & P be sent by the trial Court to the High Court within 4 weeks from today.

(Rajesh S. Patil, J.)