

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(1) CA NO.11795/2012gr**

**45 CIVIL APPLICATION NO. 11795 OF 2012**

IN FAST/22052/2012

WITH

**CA/11797/2012 IN FAST/22055/2012**

WITH

**CA/11799/2012 IN FAST/22013/2012**

WITH

**CA/11801/2012 IN FAST/22058/2012**

WITH

**CA/11803/2012 IN FAST/22045/2012**

THE STATE OF MAH THR. COLLECTOR, LATUR AND ANR  
VERSUS  
PANDURANG MANIK KUMBHAR

...

Advocate for Applicants :Mr. S.N.Ganachari  
Mr. Gundre Suraj V., Advocate, for R/sole.

...

CORAM : P.R. BORA, J.

Dated: June 27, 2017

...

PER COURT :-

1. Delay of 1501 days has occurred in filing all these appeals by the State. Usual reasons are stated in the applications that in making procedural compliances and seeking sanctions at different level, time was consumed and that is the reason that the appeals could not be filed within the period of limitation. Shri Ganachari, learned A.G.P. appearing for the State, submitted that apparent mistake has been committed by the Reference Court by awarding rental compensation in the proceedings under Section 18

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(2)**

**CA NO.11795/2012gr**

of the Act which order, in any case, cannot be sustained. Learned A.G.P. submitted that even while determining the amount of compensation, the same has been enhanced unreasonably without any cogent and sufficient reasons therefor. Learned A.G.P. submitted that since public money is involved, an opportunity needs to be given to the State to agitate its matters on merits and inherent mistakes which are committed by the Reference Court in the impugned judgment need to be corrected.

2. Shri Gundre, learned Counsel appearing for respondent i.e. original claimants, opposed for condonation of delay. Learned Counsel submitted that the huge delay has not been sufficiently explained. Learned Counsel further submitted that the acquisition is of the year 1994 and till this date amount of enhanced compensation is not received to the respondents claimants. Learned Counsel further submitted that the amount of compensation as has been determined by the Reference Court is most reasonable and no interference is required in the impugned judgment and award and, as such, on merits also the State has no case. However, when asked about the order passed by the Reference Court, granting rental compensation, the learned Counsel was unable to support the order so passed by the Reference Court. Learned Counsel submitted that to that extent the appeal needs to be considered. Learned Counsel further submitted that having regard to the fact that the acquisition is of

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(3)**

**CA NO.11795/2012gr**

the year 1994, if the State shows its willingness to argue the appeals finally immediately after condonation of delay, the claimants may not have objection for condonation of delay and to take the matters for immediate hearing. Learned A.G.P. was prompt enough in submitting that he is ready to argue the matters immediately even without asking for R. & P., only on the basis of the averments in the pleadings and the legal mistakes committed by the Reference Court while determining the amount of compensation.

3. In view of the above, the delay caused in filing the appeals is condoned. Civil Applications for condonation of delay stand disposed of. The First Appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents. Learned Counsel Shri Gundre waives service for respondents i.e. original claimants. Service complete. The Appeals be taken for hearing immediately.

( P.R. BORA, J. )

...