

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

14 CIVIL APPLICATION NO. 8897 OF 2010  
IN FAST/6901/2010 WITH CA/8899/2010 IN FAST/6907/2010  
WITH CA/8900/2010 IN FAST/6904/2010

ASHOK BABAN SAWANT AND ANR /  
VERSUS  
THE STATE OF MAH AND ANR

...

**WITH**

17 CIVIL APPLICATION NO. 9240 OF 2014  
IN FAST/6954/2014

SHANKAR YASHWANTA SANAP AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH COLLECTOR BEED

...

18 CIVIL APPLICATION NO. 10375 OF 2014  
IN FAST/5222/2014

MANIK ASRAJI SANAP DIED THR. L.RS. DINKAR MANIK  
SANAPAND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA

...

20 CIVIL APPLICATION NO. 663 OF 2015  
IN FAST/28985/2014 WITH CA/664/2015 IN FAST/28987/2014

MAHADEO BABURAO DHOBLE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

22 CIVIL APPLICATION NO. 1684 OF 2015  
IN FAST/28995/2014

VISHNU NARAYAN DHOBLE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

23 CIVIL APPLICATION NO. 1685 OF 2015  
IN FAST/28993/2014

BAPU NANA DHOBLE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER  
...

24 CIVIL APPLICATION NO. 1686 OF 2015  
IN FAST/28991/2014

YESHWANT JABAJI NIMBALKAR  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER  
...

25 CIVIL APPLICATION NO. 1692 OF 2015  
IN FAST/28989/2014

DAGADU GOPALA DHOBLE DEAD THR HIS LRS NAVNATH  
DAGADU DHOBLE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER  
...

26 CIVIL APPLICATION NO. 1693 OF 2015  
IN FAST/29744/2014

DEORAO NARAYAN GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER  
...

27 CIVIL APPLICATION NO. 1694 OF 2015  
IN FAST/28999/2014

BALU GOPALA HAJARE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER  
...

29 CIVIL APPLICATION NO. 2655 OF 2015  
IN FAST/18367/2014

DHONDIBA TUKARAM CHAVAN AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA  
...

...  
Advocate for Applicants : Mr. Dattatraya R. Jayabhar.  
AGPs for respondent – State : Mr. S.P. Sonpawale and  
Mr. R.B. Bagul  
....

**CORAM : K.K. SONAWANE, J.**

**DATED : 21<sup>TH</sup> AUGUST, 2017.**

**Order :-**

1. Heard learned counsel for applicants and learned AGP for respondent - State. Perused the applications and relevant documents produced on record.

2. The learned counsel for the applicants submits that applicants preferred References under section 18 of the Land Acquisition Act, 1894 for enhancement of compensation awarded to their acquired lands. The learned Reference Court did not appreciate the evidence on record in its proper perspective and awarded meagre amount. The applicants are intending to prefer the first appeals to redress their grievance. But, there is delay in filing the appeals. According to learned counsel the applicants are rustic and agriculturist and due to financial crises they could not approach to this Court within stipulated period. The applicants are every hope of success in the appeals. In case, the delay is not condoned, it would caused prejudice to the applicants. The learned counsel for applicant submits that there are other first appeals filed by the adjoining land owners in which the delay was condoned and the matters are listed for final

hearing on merits. He further submits that in view of the factum of condonation of delay in other proceedings of adjoining land owners of the same project, he requested to condone the delay. The applicants - appellants will not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894, for the period of delay sought to be condoned, in case of success of appeals on merit.

3. The learned AGP raised objection and submits that reasons mentioned in the application are not sufficient to condone the delay. There was huge delay, therefore, learned AGP prayed to dismiss the application.

4. I have given anxious consideration to the arguments advanced on behalf of both sides. Perused the application and relevant documents on record. Admittedly, the matter pertains to enhancement of compensation of land acquired by the respondent - State for the construction of medium project. The claimants have also preferred the Reference under sections 18 of the Land Acquisition Act, 1894 and the same were adjudicated on merits by the Reference Court, however, the claimants are not satisfied with quantum awarded by the Reference Court and market value determined for their acquired land. Hence, the claimants are intending to prefer an appeals, but there is huge delay in filing the appeals.

5. In view of the aforesaid submissions and for the reasons mentioned in the applications that the applicants are rustic and illiterate persons having no knowledge about the legal procedure as well as they had a financial crisis, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate the grievances before the Appellate Forum. There is sufficient cause to allow the applications for condonation of delay. In addition, the applicants/claimants have shown their willingness / inclination that they will not claim statutory benefits as mentioned above. In such circumstances, by imposing aforesaid fetter of waiver of statutory benefits on the part of applicants-appellants, there would not be any impediment to condone the delay. The applications for condonation of delay deserve to be allowed.

6. In sequel, applications stand allowed. The delay caused to present the appeals against the impugned Award stands condoned subject to condition that applicants-appellants shall not claim statutory benefits as well as amount of interest as laid down in the Land Acquisition Act, 1894 for the delayed period allowed to be condoned, in case, any enhanced compensation is awarded by this Court after adjudication of appeals on merit.

7. Pursuant to aforesaid waiver of statutory claim, the applicants-appellants shall furnish undertaking to that effect and

place it on record of the appeals to enable this Court to take note of the same, while decision of the appeals on merit. Registry to take requisite steps for further process.

8. The civil applications are allowed in aforesaid terms and stands disposed of.

Sd/-

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK.