

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

WRIT PETITION NO.10405 OF 2017

**SUDHAMATI BALBHIMRAO SOLANKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Shri A.D.Wange
AGP for Respondent Nos. 1 and 2 : Shri S.K.Tambe

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 25th JUNE, 2018.**

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PER COURT :

1. The petitioners are aggrieved by the order dated 21/02/2017, passed by the LAR Court by which, application Exhibit 16 and 19 filed by these petitioners for bringing the L.Rs. of the deceased Balbhim on record, have been rejected.

2. I have considered the strenuous submissions of the learned advocate for the petitioners and the learned AGP on behalf of respondent Nos. 1 and 2. None appears for respondent No. 3, though served.

3. I find from the record that these petitioners are litigating for compensation in view of the acquisition of their agricultural

land. The original claimant Balbhim s/o Sambhaji Solanke died on 22/11/2009. L.A.R. No. 157/2006 was pending before the LAR Court. The applicants have approached the L.A.R. Court with application Exhibit 16 and 19, belatedly.

4. Though they were four claimants alongwith Balbhim, the L.Rs. of Balbhim apparently were not diligent. The father of Balbhim and 3 brothers of Balbhim were also the claimants. As such, it cannot be argued by the petitioners that they were unaware about the L.A.R. proceedings.

5. This Court has, in series of orders in similar circumstances, condoned the delay as the poor farmers, who have lost their lands in acquisition proceedings, would be deprived of enhanced amount of compensation if the L.Rs. of the deceased claimants are not brought on record. In this case, as well, the applicants comprise of the widow of Balbhim, two sons and one daughter who will be deprived of the enhancement in compensation.

6. Considering the above and to balance the equities, this

petition is partly allowed.

7. The abatement order is set aside and the delay of 5 years, 9 months and 9 days is condoned on the condition that in the event these applicants succeed in the L.A.R. proceedings, they would be deprived of the interest component for the enhanced amount for the period of delay. The petitioners are agreeable to the said conditions.

8. Since the L.A.R. proceedings are pending from 2006, the L.A.R. Court would endeavour to decide the same as expeditiously as possible and preferably on or before 31/03/2019.

(RAVINDRA V. GHUGE, J.)

shp/-