

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

**916 CIVIL APPLICATION NO. 9358 OF 2017
IN FAST/36622/2015**

BHAGWAN DHONDIBA DAHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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**917 CIVIL APPLICATION NO. 10702 OF 2017
IN FAST/25705/2017**

ASARAM LIMBAJI SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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**918 CIVIL APPLICATION NO. 14099 OF 2017
IN FAST/32672/2017**

PANDIT THAVRA RATHOD (DIED) THR LRS RUKHMINBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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**919 CIVIL APPLICATION NO. 14100 OF 2017
IN FAST/32676/2017**

SUNDER LIMBAJI SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
...

**921 CIVIL APPLICATION NO. 505 OF 2018
IN FAST/33069/2017**

KISAN JIJABHAU KAVHALE (DIED) THR LRS SARUBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Kailas B. Jadhav
AGP for Respondents No.1 and 2 : Mr. S.P. Deshmukh
Advocate for Respondent No. 3 : Smt.S.D. Shelke

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CORAM : A.M. DHAHALE, J.

DATED : 3rd AUGUST, 2018.

Order :-

1. These five applicants have preferred the appeals for enhancement of compensation granted by the Reference Court under judgment and Award dated 25th July, 2018. However, there is delay caused in filing the appeals, the same is as follows :-

Sr. No.	Civil Application No.	The delay caused in filing appeal/s
01.	9358 of 2017	2604
02.	10702 of 2017	3175
03.	14099 of 2017	3262
04.	14100 of 2017	3234
05.	505 of 2018	3236

2. The applicants have tried to explain the huge delay on following grounds;

(a) due to financial crises they are not in a position to approach the court as respondent - Acquiring Body has not paid the amount as awarded by the Reference Court.

(b) There are the appeals filed by the land holders whose lands were acquired under same award and their appeals were allowed and they have received the enhanced compensation by Awards dated 04-08-2017 and 15-02-2018.

3. The delay caused in preferring the appeals, in these matters is in-ordinate and cannot be condoned under normal provisions of the

Limitation Act. However, these are the land acquisition matters. The Apex Court in the case of **Dhiraj Singh (D) Tr. Vs. Haryana State [2015 (1) SCC (Civil) 236]** and **Imrat Lal and others Vs. Land Acquisition Collector & others [2012 (2) R.C.R. (Civil) 437]**, has taken a view that all the land owners, whose similar lands are acquired under one notification should get the same rate of compensation from the acquiring body. If on the ground of ignorance, poverty or illiteracy the land owners are not in a position to file appeal within reasonable time, still huge delay can be condoned for placing them at par with other landholders. The applicants waive statutory benefits for the delayed period. Considering ratio laid down in the Dhiraj Singh's case (supra), the delay deserves to be condoned subject to condition that the applicants would not be entitled to claim statutory benefits for the delayed period.

6. Considering these facts, the Civil Applications are allowed subject to condition that the applicants shall not be entitled for statutory benefits for the period of delay as undertaken by the applicants. The First Appeal be registered.

7. The Civil applications stand disposed of accordingly.

8. After registration, list the appeals for admission.

[A.M. DHAVAL]
JUDGE

MTK.