

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

**12 CIVIL APPLICATION NO.9200 OF 2018
IN FA/2229/2014**

DYANOBA JAGANNATH WASKAR (DIED) THR LRS FAKADBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. More Abhijit S.
AGP for Respondent : Mr. Y.G. Gujrathi
Advocate for respondent no. 2 : Mr. A. N. Gaddime

...

AND

**13 CIVIL APPLICATION NO.9355 OF 2018
IN FA/1769/2015**

GUNDA HANUMANTA LANDE (DIED) THR LRS BAPU AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. More Abhijit S.
AGP for Respondent : Mr. S.N. Morampalle
Advocate for Respondent no. 2 : Mr. S.R. Dheple

...

AND

**14 CIVIL APPLICATION NO.10463 OF 2018
IN FA/2230/2014**

SUBRAO DAGADU YADAV (DIED) THR LRS KAUSHALYA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. More Abhijit S.
AGP for Respondent: Mr. Y.G. Gujrathi
Advocate for Respondent : Mr. A.N. Gaddime

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CORAM : MANGESH S. PATIL, J.

DATE : 17.12.2019

PER COURT :

Heard both the sides.

2. These are the applications by the legal representatives of the original claimants who have preferred these appeals being aggrieved and dissatisfied by the judgments and awards passed by the reference court, seeking condonation of delay in filing the applications and seeking to come on record as the legal representatives of the deceased appellant.

3. The learned A.G.P and learned advocate for the acquiring body strongly opposes these applications. They submit that the delays are enormous. The applicants must have been aware about filing of the First Appeals by their predecessors and there is no sufficient and cogent reason for allowing the applications by condoning the delay.

4. I have carefully gone through all the three applications. Needless to state that their predecessor had filed these appeals being aggrieved and dissatisfied with the judgment and award passed by the reference court in Land Acquisition References. Bearing in mind the well settled principles for condonation of delay as laid down in catena of judgments of the Supreme Court, there is nothing on the record to demonstrate that these applicants were to gain anything by allowing their right to come on record to be barred by limitation. In fact, the appeals would stand disposed of as abated had they not come on record. Their valuable right to have fair compensation in respect of the land acquired compulsorily would be defeated if they are not allowed to come on record

by condoning the delay.

5. The reasons mentioned in the applications have gone without any demur.

6. The applications are allowed. The legal representatives of the original appellants are allowed to be brought on record by condoning the delay. The applications are disposed of.

(MANGESH S. PATIL, J.)

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