

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

29. CIVIL APPLICATION NO. 6483 OF 2013  
IN RC/1541/2010

TRIMBAK JAIWANT JAGDALE (DIED)  
AMBADAS TRIMBAK JAGDALE (DIED) LRS  
PRAYAGBAI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA

Mr. M.P. Harjule, Advocate for applicants.  
Mr. G.O. Watamwar, Asstt. Govt. Pleader for respondents

**CORAM : V.L. ACHLIYA, J.**

**DATE : 15<sup>th</sup> April, 2019**

**PER COURT :**

1. The applicants-appellants have moved this application for condonation of 60 days' delay in filing appeal against the judgment and award passed by the Reference Court.
2. Heard the learned Counsel for the applicants and the learned Assistant Government Pleader for the respondent.
3. In brief it is contention of the learned Counsel that the

appeal is preferred as against the order of rejection of the reference made by the appellants seeking enhancement of compensation. Delay caused in filing the appeal was mainly due to time consumed in seeking copies of the judgment and award and approaching Advocate for presenting the appeal. It is submitted that in case delay is not condoned, there is every likelihood that applicants-appellants may require to suffer serious prejudice. On the contrary, if delay is condoned matter will be decided on its own merit.

4. On the other hand, the learned Asstt. Govt. Pleader opposed the application with contention that no sufficient cause has been assigned to condone the delay.

5. Considering the submissions advanced in the light of unchallenged pleadings wherein application providing explanation as to reasons for delay in filing appeal, I am of the view that the delay deserves to be condoned. The appeal is preferred by the appellants who are agriculturists as against the rejection of award passed by the Reference Court. The lands of the applicants were acquired way back in the year 1975 for the Jayakwadi Project. In case delay is not condoned, there is every likelihood that applicants may suffer serious prejudice. On the contrary, if delay is condoned, no serious prejudice would be caused to otherside and, ultimately, the matter will

be decided on merits. I am, therefore, inclined to allow the application. Accordingly the application is allowed in terms of prayer clause (B). Delay is condoned.

6. Appeal be registered and place for admission on 20<sup>th</sup> June 2019.

7. Learned Assistant Government Pleader waives notice for the respondent.

8. Call for record and proceedings and put up with record and proceedings.

9. The application be marked as disposed of.

10. Stand over to 20<sup>th</sup> June 2019.

**( V.L. ACHLIYA )**  
**JUDGE**

*Madkar*