

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

914 CIVIL APPLICATION NO.9872 OF 2009  
IN  
FAST/18733/2009  
WITH  
CA/9873/2009  
IN  
FAST/18733/2009

THE STATE OF MAH AND ORS.  
VERSUS  
KASHINATH SHIVRAJ ANKULGE

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Mr. B.V.Virdhe, Advocate for Applicants - State.  
Mr. M.S.Patil, Advocate for Respondent.

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**CORAM : V.L.ACHLIYA, J.**  
**DATE : 12/04/2019**

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**ORAL ORDER :**

1. The applicant/appellant has filed this application seeking 274 days delay in filing appeal against the Judgment and order of enhancement passed by the Reference Court i.e. Civil Judge [S.D.], Ahmedpur, District Latur in L.A.R. No. 3127/2001 dated 28/08/2008.
2. Heard learned A.G.P. for applicant/appellant. None present for respondent.
3. On due consideration of the submissions

advanced in the light of cause assigned for condonation of delay, I am of the view no sufficient cause has been assigned to condone the delay. So also, refusal to condone delay would not cause serious prejudice to the respondent as enhancement of compensation made by reference Court can not said to be excessive and without legally sustainable evidence. The land admeasuring 1 Hectar 20 R. owned by respondent/claimant was acquired in the year 1997 for the purpose of extension of village gaothan. The possession was taken in same year. The Special Land Acquisition Officer has awarded compensation @ Rs. 500/- per R. as against the claim made by the claimant for awarding compensation @ Rs. 10/- per sq.ft. i.e. Rs. 3,50,000/- per Acre. In the reference proceeding, the Special Land Acquisition Officer has enhanced compensation from Rs. 500/- to Rs. 1,500/- per R., on the basis of evidence adduced in the case such as location of land and potential to be used for non agricultural purpose. The sale instance of similarly situated land was taken into consideration to enhance the compensation. In that view, the award passed appears to be based upon the evidence adduced in the matter. I am, therefore, not inclined to condone the delay.

4. In the result, the application is rejected. In consequence of rejection of application, The appeal stands dismissed. Civil Application, if any, pending

stands disposed of in terms of the order passed  
rejecting the application for condonation of delay.

**[V.L.ACHLIYA]**  
**JUDGE**

KNP.