

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

15 CIVIL APPLICATION NO.12603 OF 2017
IN FAST/26263/2017

DROPADABAI RAMNATH BHAWALE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

WITH

CIVIL APPLICATION NO.12604 OF 2017
IN FAST/26341/2017

PADMABAI ASARAM TAGAD
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

WITH

CIVIL APPLICATION NO.12938 OF 2017
IN FAST/27874/2017

MANGU DHANA RATHOD AND ANR
VERSUS
THE COLLECTOR, AURANGABAD AND ORS.

WITH

CIVIL APPLICATION NO.12965 OF 2017
IN FAST/27918/2017

SAINATH ASARAM TAGAD AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

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Advocate for Applicants : Mr. D.A.Bide h/f Mr. V.B. Wayal
AGP for Respondents-State : Mr. A.M. Phule
Advocate for Respondent No.2 : Mr. S.G. Bhalerao in CA Nos.
12603/2017, 12604/2017 & 12965/2017.

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CORAM : P.R. BORA, J.

DATED : 04th FEBRUARY, 2019

PER COURT:-

1. Heard the learned counsel appearing for the applicants as well as the learned AGP appearing for the respondent-State
2. The delay of 1272 days has occurred in filing the present appeals by the original claimants. The learned counsel appearing for the claimants submitted that the claimants have received the amount of enhanced compensation as per the awards passed by the Reference Court recently and only thereafter they could take the steps for filing of the appeals. The learned counsel submitted that the claimants had brought on record the sufficient evidence in support of their claim seeking market value of the acquired land at the rate of Rs.8,000/- per R, however, the Reference Court has failed in appreciating the said evidence and has awarded the meager enhancement by determining the value of the acquired land at the rate of Rs.900 per R. The learned counsel pointed out that, substantial grounds are raised in exception to the impugned judgment and award. The learned counsel further submitted that the applicants are ready to waive the right of interest in the event of their success in appeals on the enhanced amount of compensation for the period of delay.
3. Shri Phule, the learned AGP opposed the request to condone stating that the inordinate delay has not been properly explained by the claimants. In the alternative, it is contended by

the learned AGP that if the Court inclines to condone the delay, the applicants-claimants shall not be made entitled for the interest of the period of delay on the enhanced amount of compensation, in the event of their success in appeals.

4. After having considered the submissions made as above, the following order is passed :-

ORDER

- [i] The applications for condonation of delay are allowed.
- [ii] Delay caused in filing the present appeals is condoned.
- [iii] All the applications for condonation of delay stand disposed of.
- [iv] The appeals be registered in accordance with law.
- [v] After registration of appeals, issue notice to the respondents. Me. S.G. Bhalerao, learned counsel waives service of notice for respondent no.2 in CA Nos. 12603/2017, 12604/2017 & 12965/2017. Mr. Phule, learned AGP waives service of notice for the respondent No.1 in CA Nos. 12603/2017, 12604/2017 & 12965/2017 and for all respondents in CA No.12938/2017. Service complete.
- [vi] It is clarified that in the event of their success in the appeals, the appellants shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.

[vii] Copy of the present order be placed alongwith the papers of appeals.

[viii] List all these appeals for further consideration after four weeks.

**(P.R. BORA)
JUDGE**

Sudhir Rane