

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

954 CIVIL APPLICATION NO.12806 OF 2019
IN FAST/1731/2019

GUNDAPPA APPARAO BIRAJDAR (DIED) HIS LRS MAROTI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants :Mr. L.C Patil
AGP for Respondents: Mr. R.B. Bagul.

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CORAM : K.K. SONAWANE, J.

DATED : 08th JANUARY, 2020.

ORDER :-

1] Heard learned counsel for the applicant and learned AGP for respondent Nos. 1 and 2.

2] Present application is filed on behalf of legal heirs of original claimant Gundappa Apparao Birajdar, who had filed LAR No. 982 of 2006. It has been contended that the original claimant filed aforesaid LAR No. 982 of 2006, under Section 18 of the Land Acquisition Act, for enhancement of compensation amount. The learned CJSD, Latur, adjudicated the reference petition and partly allowed the reference filed by deceased Gundappa and granted meager amount in his favour. According to applicant, pending the reference petition, the original claimant passed away on 20.11.2007. The applicants are his legal heirs but they were not aware about the proceeding of reference petition pending before the learned CJSD, Latur. After decision of the reference petition, the LRs of original claimant Gundappa came to know that very meager amount was granted by the Reference Court towards enhancement of compensation. The LRs of Gundappa are

intending to pursue the matter by filing the First Appeal. However, there is some delay in filing the First Appeal. Therefore, they have filed the first appeal alongwith application for condonation of delay.

3] Admittedly, the deceased Gundappa passed away during the pendency of reference petition. However, the Lrs of deceased Gundappa were not aware about the proceeding of Referene Petition pending before the Reference Court. Therefore, they could not secure their presence in the matter before Reference Court. By order dated 24th August, 2015, the learned CJSD, Latur has adjudicated the Reference Petition on merit. Thereafter, the LRS of deceased Gundappa came to know about the award passed by the Reference Court from the other villagers. Thereafter, they have approached this court by filing the present first appeal alnogwith application for condonation of delay.

4] In view of these circumstances, I do not find any impediment to allow the application for condonation of delay. Same is allowed in terms of prayer clause (B). Delay is condoned. Registry to take requisite steps for further process. Civil application for condonation of delay is accordingly disposed of. On registration of appeal, issue notice to respondents. Learned AGP waive notice for respondent No.1. After compliance of procedural formalities, list the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

GRT/-