

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5538 OF 2020 IN
FIRST APPEAL ST. NO.5692 OF 2020

Sopan Gangaram Raut
(Deceased through LRs) & others

Applicants

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 2369 OF 2018 IN
FIRST APPEAL ST. NO.37484 OF 2017

Asaram Limbaji Manwatkar
(Deceased through LRs) & others

Applicants

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 3469 OF 2018 IN
FIRST APPEAL ST. NO.37785 OF 2017

Trimbak Govindrao Manwatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 3534 OF 2018 IN
FIRST APPEAL ST. NO.37776 OF 2017

Limba Arjunrao Manwatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 3334 OF 2020 IN
FIRST APPEAL ST. NO.5480 OF 2020

Namdeo Vinayakrao Manvatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 3337 OF 2020 IN
FIRST APPEAL ST. NO. 5478 OF 2020

Vishnu Ramrao Manwatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 3338 OF 2020 IN
FIRST APPEAL ST. NO. 5444 OF 2020

Mahadeo Vinayakrao Manwatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 2869 OF 2018 IN
FIRST APPEAL ST. NO. 24955 OF 2017

Chandrabhagabai Yadavrao Manvatkar
(Deceased through LRs) & others

Applicants

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 2870 OF 2018 IN
FIRST APPEAL ST. NO. 24957 OF 2017

Keshav Gulabrao Manvatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 503 OF 2018 IN
FIRST APPEAL ST. NO. 24976 OF 2017

Laxman Yadavrao Manvatkar

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. D.M. Kakade, Advocate for the applicants.
Mr. P.M. Kulkarni, AGP for respondent-State.
Mr. S.G. Bhalerao, Advocate for respondent No. 3.

CORAM : M.G. Sewlikar, J.
DATE : 16th February, 2021.

PER COURT :

1. These are the applications for condonation of delay in filing the First Appeal.

2. Applicants have alleged that they could not prefer appeal within the statutory period of limitation because of their poor financial condition. The applicants are working as agricultural labour. Because of acquisition of land, their source of income is lost. It is further alleged that the applicants have become landless. For all these reasons, delay has been caused in preferring the appeal.

3. Learned AGP for respondents No. 1 and 2 and Shri Bhalerao, learned counsel for respondent No. 3 argued that no sufficient cause is made out for condoning delay in preferring the appeal.

4. In the case of **Ningappa Thotappa Angadi Vs. Special Land Acquisition Officer and another** in Civil Appeal No. 9415/2019 arising out of Special Leave Petition (C) No. 11015/2017, the Honourable Supreme Court has held as under :-

8. We find that the issue raised in this appeal is no longer res-integra. This Court in **Dhiraj Singh (Dead) through LRs. and others Vs. State of Haryana and others** held that :

“14. The appellants are identically situated and there is no reason to meet out a different

treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same circumstances.

15. Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hypertechnical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the Court has to be pragmatic and not pedantic.

(Emphasis applied)

5. In the light of this authority, it is always desirable to have a decision on merits than to dismiss the appeal on the ground of delay.

6. Shri Kakde, learned counsel for applicants, states that the applicants will not claim interest and/or statutory benefits for the period of delay.

7. In view of above, applications are allowed, delay is condoned on condition that they shall not be entitled to interest and/or statutory benefits for the period of delay.

8. Civil applications stand disposed of.

(M. G. SEWLIKAR)
JUDGE

dyb