

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

905 CIVIL APPLICATION NO.2871 OF 2018
IN FAST/5786/2017

HIRALAL DEOCHAND DHANAWAT (DIED) THR LRS
GOVIND H. DHANAWAT AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. M R Malpani h/f Kale A B.
AGP for Respondents: Mr. G O Wattamwar

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CORAM : V.K. JADHAV, J.
Dated: April 22, 2022

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PER COURT :-

1. Heard the learned counsel for the applicants/original claimants and learned AGP for the respondent nos.1 and 2. None present for the respondent no.3, though duly served.

2. Being aggrieved by the judgment and award passed by the 5th Jt. Civil Judge S.D, Aurangabad dated 28.6.2013 in LAR No.523 of 2010, the original claimants have preferred the appeal, which is delayed by 1244 days.

3. Learned counsel for the applicants/original claimants submits that the original claimant Hiralal

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died after he has examined himself before the Reference Court and thereafter he was substituted by the present applicants as legal heirs. Learned counsel submits that the applicants are the poor agriculturists. They had no knowledge about any legal proceedings and limitation for filing the appeal. Further, enhanced amount of compensation has not been paid to them nor it was deposited before the Lower Court. There is no intentional delay in preferring the appeal.

4. Learned AGP submits that there is inordinate delay in preferring the appeal, which is not explained. The learned AGP submits that the applicants/original claimants are not entitled for the interest of the delayed period, in the event if they succeed in the appeal.

5. It appears that the present applicants/original claimants are the legal heirs of the original claimant Hiralal, who died during the pendency of the Reference bearing LAR No.523 of 2010. Before his death, he had examined himself as a witness and he was also subjected to cross-examination. However, it appears that the Reference Court has awarded the compensation

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at a very meager rate and thus being aggrieved by the same, the legal heirs have approached to this Court by filing the present appeal, which is delayed by 1244 days. The applicants are the poor agriculturists. Applicants have informed that they have not been paid enhanced compensation. They have no knowledge of the legal proceedings. Respondent/State authority and also the acquiring body are at liberty to pursue this Court about the interest of the delayed period at the time of the final hearing of the appeal, however, I am inclined to condone the delay. Hence, following order.

O R D E R

- i. Civil application is hereby allowed in terms of prayer clause 'B'.
- ii. Civil application accordingly disposed off.

(V.K. JADHAV, J.)

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