

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

CIVIL APPLICATION NO.2295 OF 2020 IN FAST/2539/2020

KISAN DATTU LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9788/2021 IN FAST/6663/2020

GOPICHAND DATTU LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9789/2021 IN FAST/16753/2020

GOJARBAI DIGAMBAR LIMBALKAR (DIED) THROUGH LRS.
NARAYAN DIGAMBAR LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9790/2021 IN FAST/16743/2020

GOPICHAND DATTU LIMALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9791/2021 IN FAST/16745/2020

NARAYAN DIGAMBAR LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

2

WITH

CIVIL APPLICATION NO. 9792/2021 IN FAST/16751/2020

NAMDEO DIGAMBAR LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9793/2021 IN FAST/16749/2020

HARI @ HARIDAS DATTU LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 9794/2021 IN FAST/16747/2020

PANDURANG DIGAMBAR LIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

CA/9789/2021 IN FAST/16753/2020 WITH CA/9790/2021 IN
FAST/16743/2020 WITH WITH CA/9792/2021 IN
FAST/16751/2020 WITH CA/9793/2021 IN FAST/16749/2020
WITH CA/9794/2021 IN FAST/16747/2020 WITH CA/9791/2021
IN FAST/16745/2020

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Mr. Chaitanya C. Deshpande, Advocate for the Applicants in all CAs
Mr. S.G. Sangle, AGP for Respondent Nos. 1 and 2 in all CAs

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th FEBRUARY, 2022

PER COURT:-

1. These are the applications for condonation of delay moved by the respective claimants by taking aid of Section 5 of the Limitation Act, 1963.
2. Mr. Chaitanya Deshpande, learned counsel for the applicants / claimants and Mr. Sangle, learned counsel for respondent nos. 1 and 2 are present. Respondent no.3 / acquiring body though duly served with notice, remained absent in all the applications for condonation of delay when matter is called out.
3. In civil application no. 2295 of 2020 there is delay of 907 days, in civil application no. 9788 of 2020 there is delay of 939 days and in remaining applications, there is delay ranging in between 1165 and 1265 days in preferring the appeals.
4. Mr. Deshpande, learned counsel for the applicants submits that the applicants are poor farmers. They could not arrange for the funds, which ultimately resulted in delay. There was no intentional delay on the part of respective claimants to prefer the appeals. He urged to condone the delay.

5. Mr. Sangle, learned AGP for respondent nos. 1 and 2 opposed to condone the delay. He submitted that no sufficient reasons are assigned by the claimants to condone the delay.

6. These proposed appeals are arising out of compulsory land acquisition matters for enhancement preferred by the claimants. In view of decision in case of *K. Subbarayudu vs. Special Deputy Collector 2017 (12) SCC 840*, different yardstick needs to be applied while dealing with the applications for condonation of delay in cases of first appeals arising out of compulsory land acquisition matters for enhancement preferred by the claimants / agriculturists.

7. Having regard to the guidelines laid down by the Hon'ble Supreme Court in case of *K. Subbarayudu vs. Special Deputy Collector 2017* (supra), it is necessary to condone the delay in all these applications arising out special land acquisition cases at the hands of poor farmers who could not preferred the appeal within time due to their financial constrain. For the reasons stated in the respective applications and in the interest of justice, applications for condonation of delay, more particularly para nos. 3 and 4, the delay needs to be condoned.

ORDER

(i) The applications for condonation of delay is hereby allowed in terms of prayer clause (B).

(ii) Registry to make scrutiny of the appeals as per procedure and those be numbered after furnishing the usual undertaking by the claimants regarding waiving of statutory benefits and interest about delayed period and then place before the Court for admission.

(iii) The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane