

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

9 CIVIL APPLICATION NO.3619 OF 2020
IN FAST/19519/2019

SHAIKH KHAJA SHAIKH AHMAD (DIED) THR LRS SHAIKH ASHABEE AND
ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

10 CIVIL APPLICATION NO.3620 OF 2020
IN FAST/19529/2019

SHAIKH LADDU SHAIKH AHMAD
VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

11 CIVIL APPLICATION NO.3621 OF 2020
IN FAST/19516/2019

SOPAN RAOSAHEB BORADE
VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

12 CIVIL APPLICATION NO.3622 OF 2020
IN FAST/37789/2019

GANPAT GANGARAM BORADE
VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

13 CIVIL APPLICATION NO.3623 OF 2020
IN FAST/19511/2019

BABASAHEB APPASAHEB BORADE
VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

14 CIVIL APPLICATION NO.3624 OF 2020
IN FAST/19532/2019

SHAHIDAS TRIMBAK MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

15 CIVIL APPLICATION NO.3625 OF 2020
IN FAST/37786/2019

MUKTABAI GANPATRAO BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

16 CIVIL APPLICATION NO.3631 OF 2020
IN FAST/19513/2019

RAMPRASAD ABASAHEB BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

17 CIVIL APPLICATION NO.3632 OF 2020
IN FAST/31466/2019

DASA RAGHOJI GORE (DIED) THR LRS PARVATI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

18 CIVIL APPLICATION NO.3633 OF 2020
IN FAST/19526/2019

KISAN VISHVANATH BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
19 CIVIL APPLICATION NO.3634 OF 2020
IN FAST/19498/2019

CHATURABAI RAOSAHEB BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
20 CIVIL APPLICATION NO.3635 OF 2020
IN FAST/37806/2019

BABASAHEB APPASAHEB BORADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
21 CIVIL APPLICATION NO.3636 OF 2020
IN FAST/19538/2019

NIVRUTTI RAOSAHEB BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
22 CIVIL APPLICATION NO.3638 OF 2020
IN FAST/37800/2019

BHAGWAN GANGARAM BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
23 CIVIL APPLICATION NO.3641 OF 2020
IN FAST/19536/2019

SHAIKH KHALID SHAIKH AHMAD
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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AND

24 CIVIL APPLICATION NO.3642 OF 2020
IN FAST/37797/2019

DHONDIBA BABURAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

26 CIVIL APPLICATION NO.5254 OF 2021
IN FAST/3694/2021

BAPURAO BABURAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

27 CIVIL APPLICATION NO.11369 OF 2021
IN FAST/11511/2021

SHESHRAO WAMANRAO GIRAM (DIED) THR LRS SARASWATI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

29 CIVIL APPLICATION NO.13312 OF 2021
IN FAST/31604/2021

GOVIND BABASAHEB NIRWAL
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND

30 CIVIL APPLICATION NO.13316 OF 2021
IN FAST/31613/2021 WITH CA/13318/2021 IN FAST/31616/2021

DEVIDAS BABASAHEB NIRWAL
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND

31 CIVIL APPLICATION NO.13319 OF 2021
IN FAST/31607/2021 WITH CA/13320/2021 IN FAST/31609/2021

RAMBHAU SITARAM BONE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
CIVIL APPLICATION NO.3643 OF 2020
IN FAST/37804/2019

BHASKAR RAOSAHEB BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant/s : Mr. Kakade Deepak M.
AGP for Respondent/State : S/Shri S.P. Tiwari, S.R.Y. Lonikar & Smt. D.S. Jape

Advocate for Respondents in respective applications :
*S/Shri S.G. Chincholkar, Shyam Arora, R.R. Imale, G.N. Patil, S.W. Munde,
Pratap Rodge, S.B. Patil, Prashant Shinde, R.M. Gaikwad, R.B. Gaikwad, S.M.
Ganachari, D.T. Devane, M.P. Gude, U.P. Giri and Smt. Sunita Shelke*

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CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

Heard learned counsel for the applicants, learned A.G.P. and
learned counsel for the acquiring body.

2. The applicants are the original claimants seeking condonation of
delay ranging between 706 to 2598 days in filing appeals against the
judgment and award passed by the Reference Court in the L.A.R.

Nos.274/2010, 772/2010, 341/2012, 247/2010, 358/2012, 360/2012, 254/2010, 359/2012, 350/2012, 361/2012, 352/2012, 420/2010, 354/2012, 839/2010, 773/2010, 15/2010, 587/2010, 836/2010, 353/2012, 344/2012, 345/2012, 351/2012 and 355/2012.

3. Learned counsel for the applicants submit that applicants are poor agriculturists and the acquired land was the only source of income for them. Due to financial constraints and paucity of funds the applicants could not file appeals within the period of limitation. Learned counsel for the applicants, on instructions, submit that the applicants are also ready to forego the interest for the delayed period.

4. The learned AGP opposed the applications and submits that there is inordinate delay and the same has not been properly explained.

5. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeal. Accordingly, for the reasons assigned in the applications for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

i) The applications stand allowed in terms of prayer clause(A), with a rider that the applicants shall not be entitled for the claim of interest on the

compensation amount as awarded by the Reference Court in L.A.R. Nos.274/2010, 772/2010, 341/2012, 247/2010, 358/2012, 360/2012, 254/2010, 359/2012, 350/2012, 361/2012, 352/2012, 420/2010, 354/2012, 839/2010, 773/2010, 15/2010, 587/2010, 836/2010, 353/2012, 344/2012, 345/2012, 351/2012 and 355/2012 for the delayed period.

- ii) The delay in preferring the appeals stand condoned.
- iii) Civil Applications are disposed of accordingly.
- iv) Respective First Appeal Stamp Numbers be registered.

[ANIL L. PANSARE, J.]