

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

21 CIVIL APPLICATION NO.7998 OF 2021
IN FAST/21419/2020

RAHIBAI BAPURAO SHEWWALE (DIED) THR LRS PRAYAGBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, PARBHANI AND ORS

Mr K.B. Jadhav, Advocate for applicants
Mr A.B. Chate, A.G.P. for respondents no.1 and 2
Mr B.R. Survase, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicants/original claimants.
2. Heard Mr K.B. Jadhav, learned Advocate for applicants, Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 and Mr B.R. Survase, learned Advocate for respondent no.3.
3. Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 and Mr B.R. Survase, learned Advocate for respondent no.3 strongly opposed to condone the delay. They submitted that no sufficient reasons are assigned by the applicants for condonation of delay. The delay is inordinate. The application does not throw any light about such period for delay. Both of them urged to reject this application for condonation of delay.
4. Mr K.B. Jadhav, learned Advocate for applicants placed his reliance in case of **Dhiraj Singh (D) Tr. Vs. Haryana State**, reported in **MANU/SC/0778/2014** and urged to condone the delay.
5. Having regard to the guidelines laid down by the Honourable Supreme Court in case of in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), even

though there is inordinate delay in filing the appeal, it needs to be considered when it is a case relating to payment of compensation wherein land was taken away by compulsory acquisition. It is further laid down by the Honourable Supreme Court that in the matter of land acquisition, where land of farmers is acquired, a different approach is to be taken. These persons should not be deprived of the reasonable compensation for their lands. Their statutory right of appeal cannot be thrown away at the threshold on the technicality of limitation. It is not proper to take hyper technical view.

6. In view of guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), it is necessary to condone the delay.

ORDER

- (i) The Civil Application is allowed in terms of prayer clause (B).
- (ii) The applicants shall furnish necessary undertaking with the Registrar (Judicial) of this Court stating therein that they shall not claim statutory benefits and interest for the delayed period, which is condoned today.
- (iii) After furnishing such undertaking, the Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission along with said undertaking with the proceedings.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)