

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

989 CIVIL APPLICATION NO.10330 OF 2021  
IN FAST/23154/2021

SOMA GENDU INGALE

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

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Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Ms M.S. Jagtap

AND

990 CIVIL APPLICATION NO.10331 OF 2021  
IN FAST/23129/2021

YASHWANT M. BHALERAO (DIED)  
DURGABAI (DIED) THR LRS RAVINDRA AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr V.V. Tarde

AND

991 CIVIL APPLICATION NO.10333 OF 2021  
IN FAST/23161/2021

DILIP DEVARAM AVASARMAL AND ORS

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Ms M.S. Jagtap

AND

992 CIVIL APPLICATION NO.10334 OF 2021  
IN FAST/23158/2021

RAVINDRA RAJARAM AVASARMAL

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr Chetan Jadhav

AND

993 CIVIL APPLICATION NO.10335 OF 2021  
IN FAST/23148/2021

PRABHAKAR DEORAM AVASARMAL  
(DIED) THR LRS ANUSAYABAI

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Ms M.S. Jagtap

AND

994 CIVIL APPLICATION NO.10336 OF 2021  
IN FAST/23137/2021

TUKARAM DEORAM AVASARMAL (DIED)  
THR LRS SINDHUBAI

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Ms M.S. Jagtap

AND

995 CIVIL APPLICATION NO.10337 OF 2021  
IN FAST/23165/2021

SUMANBAI HARI AVASARMAL (DIED)  
THR LRS DILIP AND ORS

VERSUS

THE STATE OF MAHARASHTRA

THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr V.V. Tarde

AND

996 CIVIL APPLICATION NO.10338 OF 2021  
IN FAST/22958/2021

CHANDRABAI LAHANU HIVARE (DIED)  
THR LRS WAMAN AND ANR

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr P.R. Nangare

AND

997 CIVIL APPLICATION NO.10339 OF 2021  
IN FAST/23139/2021

SUNIL YADAV AVSARMAL

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr P.S. Chavan

AND

998 CIVIL APPLICATION NO.10340 OF 2021  
IN FAST/23170/2021

CHANDRAKANT EKNATH AVASARMAL

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr Chetan Jadhav

AND  
999 CIVIL APPLICATION NO.10343 OF 2021  
IN FAST/23144/2021

SHRIRAM DEORAM AVASARMAL

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr P.R. Nangare

AND  
1000 CIVIL APPLICATION NO.10345 OF 2021  
IN FAST/22945/2021

VISHWANATH DEORAM AVASARMA (DIED)  
THR LRS NABABI AND ORS

VERSUS

THE STATE OF MAHARASHTRA  
TR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr Chetan Jadhav

AND  
1001 CIVIL APPLICATION NO.10346 OF 2021  
IN FAST/22947/2021

KISHOR EKNATH AVASARMAL (DEAD)  
THR LRS MANGALABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA  
TR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr Chetan Jadhav

AND  
1002 CIVIL APPLICATION NO.10347 OF 2021  
IN FAST/23132/2021

PUNA KHUSHAL AVASARMAL (DIED) THR  
LRS SAHEBRAO AND ANR

VERSUS

THE STATE OF MAHARASHTRA  
THR DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr Chetan Jadhav

AND

1003 CIVIL APPLICATION NO.10348 OF 2021  
IN FAST/23127/2021

BHASKAR SHANKAR AVASARMAL ND ORS

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr V.V. Tarde

AND

1004 CIVIL APPLICATION NO.10351 OF 2021  
IN FAST/23142/2021

SHARAD EKNATH AVASARMAL

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr P.R. Nangare

AND

1005 CIVIL APPLICATION NO.10353 OF 2021  
IN FAST/22908/2021

ISHWAR PANDIT AVASARMAL AN ORS

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr S.G. Sangle  
Advocate for Respondent No. 3 : Mr P.S. Chavan

AND  
1006 CIVIL APPLICATION NO.10354 OF 2021  
IN FAST/22950/2021

YAMUNABAI YADAV AVASARMAL (DIED)  
THR LRS MADHAV (DIED) THR LRS PANCHSHILA  
@ RAMABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR  
DISTRICT COLLECTOR, JALGAON AND ORS

Advocate for Applicant : Mr J.V. Patil  
AGP for Respondent No. 2 : Mr P.M. Kulkarni  
Advocate for Respondent No. 3 : Mr V.V. Tarde

**CORAM : SHRIKANT D. KULKARNI, J.**  
**DATE : 16<sup>th</sup> March, 2022**

**PER COURT :**

1. These are the applications for condonation of delay moved by the respective applicants/claimants.
2. Heard Mr J.V. Patil, learned counsel for the applicants/claimants, the learned AGPs for the respondent in respective applications and Ms Manjusha Jagtap, Mr V.V. Tarde, Mr Chetan Jadhav, Mr P.R. Nangare and Mr P.S. Chavan, learned counsel for respondents in respective applications.
3. Mr Patil, learned counsel for the applicants/claimants submitted that these are the cases of compulsory land acquisition. The lands of the poor farmers came to be acquired by way of compulsory acquisition. They could not arrange for the funds. As such, could not prefer the appeal which resulted into delay. The delay was not intentional. He therefore, urged to condone the delay. He has also pointed out that in connected matters, this Court (Coram : Vinay Joshi, J.) dated 24.01.2022 was pleased to condone the delay of 1961 days. He

seeks leave to place on record a copy of order passed in civil application No. 10344/2021. Leave granted.

4. Copy of order dated 24.01.2022 is taken on record and marked 'X' for identification.

5. The learned counsel appearing for the acquiring body strongly opposed to condone the delay. They submitted that the delay caused by the respective applicants/claimants is of a large volume. They have not assigned cogent reasons for condonation of delay. There is no merit in the applications for condonation of delay. Their applications for condonation of delay may be dismissed.

6. The learned AGPs in respective applications also argued on the same lines.

7. In the above said group of applications for condonation of delay, it appears that the delay ranges between 1005 to 2155 days. It is undisputed position that the lands of the applicants/claimants came to be acquired by way of compulsory acquisition.

8. The co-ordinate bench of this Court (Coram : Vinay Joshi, J.) vide order dated 24.01.2022 was pleased to condone the delay of 1961 days while allowing civil application No. 10344/2021 arising out of same project. Moreover, in case of ***Dhiraj Singh (D) Tr. Vs. Haryana State*** reported in ***MANU/SC/0778/2014***, the Hon'ble Supreme Court has laid down the guidelines in respect of dealing with the applications for condonation of delay arising out of land acquisition matters. It is held by the Hon'ble Supreme Court that while dealing with the application for condonation of delay arising out of land

acquisition matters, a different approach needs to be taken. These persons should not be deprived of reasonable compensation for their lands. The Court needs to take a liberal view while considering the application for condonation of delay. The right of appeal cannot be thrown away at the threshold simply on the ground of technicality. The equities can be balanced by denying land owners about interest for the period for which they did not approach the Court.

9. Having considered the guidelines laid down by the Hon'ble Supreme Court in case of ***Dhiraj Singh (D) Tr. Vs. Haryana State*** (supra), it is necessary to allow these applications for condonation of delay with direction to the respective applicants/claimants to furnish usual undertaking regarding waiving of statutory benefits and interest in respect of delayed period.

#### **ORDER**

- (i) The applications are hereby allowed in terms of prayer clause (B) on condition that the applicants/claimants shall furnish their undertaking with the Registrar (Judicial) of this Court stating that they shall not claim statutory benefits and interest in respect of the delayed period.
- (ii) After furnishing such undertaking by the applicants/claimants, the Registry to make scrutiny of these appeals as per procedure and thereafter, those be numbered and placed before the Court for admission.
- (iii) The civil applications are accordingly disposed of.

**( SHRIKANT D. KULKARNI, J.)**