

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

925 CIVIL APPLICATION NO.4618 OF 2020
IN FAST/7175/2020

VENKATESH EKNATH BHINGOLIKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondent nos.1 and 2

AND
926 CIVIL APPLICATION NO.77 OF 2021
IN FAST/22858/2020

VENKAT S/O BAPURAO TIPRALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, NANDED
AND OTHERS

Mr U.B. Bilolikar, Advocate for applicant
Mr S.P. Deshmukh, A.G.P. for respondent nos.1 and 2

AND
933 CIVIL APPLICATION NO.12183 OF 2021
IN FAST/23097/2020

RAJESH KERBA SONKAMBLE
VERSUS
THE STATE OF MAHARASHTRA THR DISTRICT COLLECTOR, NANDED AND
ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr S.P. Deshmukh, A.G.P. for respondent nos.1 and 2

AND
934 CIVIL APPLICATION NO.12185 OF 2021
IN FAST/5432/2020

SUBHASH GUNDERAO GADHAVE THR G.P.A HOLDER GANGABAI SUBHASH
GADHAVE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondent nos.1 and 2

AND
935 CIVIL APPLICATION NO.12186 OF 2021
IN FAST/23280/2020

BAPURAO S/O MAROTI GAIKWAD

VERSUS
THE STATE OF MAHARASHTRA THR DIST. COLLECTOR, NANDED AND ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr S.P. Deshmukh, A.G.P. for respondent nos.1 and 2

AND
936 CIVIL APPLICATION NO.12187 OF 2021
IN FAST/23128/2020

DAMODAR S/O GUNWANT GADHAVE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA ANDTHR DIST. COLLECTOR, NANDED AND
ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondent nos.1 and 2

AND
937 CIVIL APPLICATION NO.12188 OF 2021
IN FAST/19334/2020

VIDYAVATI VIJAYKUMAR JADHAV AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondent nos.1 and 2

AND
938 CIVIL APPLICATION NO.12189 OF 2021
IN FAST/26534/2020

HANUMANT S/O GYANOBA JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, NANDED
AND OTHERS

Mr U.B. Bilolikar, Advocate for applicant
Mr S.P. Deshmukh, A.G.P. for respondent nos.1 and 2

AND
939 CIVIL APPLICATION NO.12194 OF 2021
IN FAST/23271/2020

SHIVAJI S/O KESHAV GADHAVE
VERSUS
THE STATE OF MAHARASHTRA THR DIST. COLLECTOR, NANDED

Mr U.B. Bilolikar, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondent nos.1 and 2

AND
940 CIVIL APPLICATION NO.12195 OF 2021
IN FAST/19344/2020

VITHAL MADHAVRAO PATIL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND THE DIST. COLLECTOR, NANDED ORS

Mr U.B. Bilolikar, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondent nos.1 and 2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. These are the applications for condonation of delay moved by the original claimants.
2. Heard Mr U.B. Bilolikar, learned Advocate for applicants/original claimants and learned A.G.P.s for respondents no.1 and 2 in respective applications. Respondent no.3 though duly served, none present for respondent no.3. Respondent no.3 was also absent on the previous date and last chance was granted to respondent no.3 to work out these applications. Even then respondent no.3 remained absent today.
3. In all these applications for condonation of delay, the delay ranges between 143 days to 218 days. In Civil Application no.12194 of 2021, there is delay of 1582 days. Learned A.G.P.s opposed to condone the delay.
4. Mr Bilolikar, learned Advocate for the applicants relied upon the citation 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 ratio laid down in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), though there is huge delay in filing the appeal, it needs to be condoned, as it is a case of payment of compensation arising out of compulsory land acquisition. In the matter of land acquisition, a different yardstick needs to be applied while condoning the delay. Equities can be balanced by denying the appellants interest for the period for which he did not approach the Court. However, the substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hyper technical view of self-imposed limitations.

6. Having regard to the guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), it is necessary to allow this application.

ORDER

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

(SHRIKANT D. KULKARNI, J.)