

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

912 CIVIL APPLICATION NO.11374 OF 2017
IN FAST/28947/2017

YASHWANT GANPATRAO DESHPANDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Ms Sangeeta Pahune Patil, Advocate h/f Mr N.J. Pahune Patil, Advocate for applicant

Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 2

Mr C.D. Biradar, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 11th March, 2022

PER COURT :

1. Heard learned Counsel for the parties.
2. There is delay of 3231 days in preferring the appeal. Ms Sangeeta Pahune Patil holding for Mr N.J. Pahune Patil, learned Counsel for applicant submits that the applicant is a poor farmer. He could not arrange for the funds within time, which ultimately resulted in delay. She submits that there is no intentional delay on the part of the applicant. She urged to condone the delay.
3. Mr S.P. Deshmukh, learned A.G.P. for respondents no.1 and 2 and Mr C.D. Biradar, learned Counsel for respondent no.3 strongly opposed to condone the delay. Both of them submitted that the applicant has not assigned sufficient reasons for condonation of delay. There is no merit in the application, the application may be rejected.
4. It is a case of compulsory land acquisition of a farmer. A different yardstick needs to be applied while deciding the application for condonation of delay arising out of land acquisition matters. Even though there is inordinate delay, the delay needs to be condoned in view of guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State**, reported in

MANU/SC/0778/2014. It is further laid down by the Honourable Supreme Court that in the matter of land acquisition, where land of farmers is acquired, a liberal 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.

5. In view of guidelines laid down by the Honourable Supreme Court in case of **Dhiraj Singh (D) Tr. Vs. Haryana State** (supra), the application needs to be allowed. However, the applicant needs to waive the statutory benefits and interest for the delayed period and he has to furnish undertaking to that effect.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clause (B).
- (ii) The applicant/claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating therein that he would not claim statutory benefits and interest for the delayed period.
- (iii) After furnishing such undertaking by the applicant, Registry to make scrutiny of the appeal and thereafter it be numbered and placed before the Court for admission.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)