

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.8996 OF 2022
IN FAST/1096/2020**

**CHAMPABAI HANUMANT JAGDALE
VERSUS
STATE OF MAHARASHTRA AND ORS**

**AND
CIVIL APPLICATION NO.2241 OF 2022
IN FAST/1205/2020**

**KAMALABAI SHRIMANT SUNTNURE (DIED) THR
LRS SHRNBASWESHAWAR AND ANR
VS
STATE OF MAHARASHTRA AND ORS**

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Mr. V. V. Ingale, Advocate for the Applicants.

Mr. S. S. Dande, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. By these applications, the applicants seek to condone the delay of 3133 days caused in filing the appeal against the award passed by the Reference Court, thereby seeking enhanced compensation.

2. Mr. Ingale, learned Advocate appearing for the applicants submits that the applicants are agriculturists, who have lost their lands on account of compulsory acquisition. The Land Acquisition Officer as well as Reference Court did not consider the proper market value of the lands and meager compensation is awarded. He would submit that since the

applicants are rustic persons and with adequate financial resources they could not approach this Court within time. However, they have not derived any disadvantage by making such delay. He further submits that if this Court consider civil applications to condone the delay, the applicants would not claim interest and statutory benefit for the delayed period and file such undertaking to this Court.

3. The contents of the civil applications and submissions advanced at bar are uncontroverted by the respondents.

4. In that view of the matter, particularly considering the nature of litigation, the case is made out to condone the delay. Hence, the following order:-

ORDER

- a. Civil Applications are allowed.
- b. Delay of 3133 days caused in filing the First Appeal is condoned subject to condition that the applicants shall not claim interest and statutory benefit for the period of delay and file such an undertaking to the Registrar (Judicial) of this Court within a period of eight weeks.
- c. On the aforesaid compliance and subject to removal of office objections, appeal be registered.
- d. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE