

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

**CIVIL APPLICATION NO.11386 OF 2021
IN FIRST APPEAL (ST) NO.17756 OF 2020**

**BHARAT LIMBA KHADE
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR, BEED AND ORS.**

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**CIVIL APPLICATION NO.11385 OF 2021
IN FIRST APPEAL (ST) NO.18155 OF 2020**

**LAXMAN LIMBA KHADE
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR, BEED AND ORS.**

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**CIVIL APPLICATION NO.11384 OF 2021
IN FIRST APPEAL (ST) NO.18165 OF 2020**

**RAM LIMBA KHADE
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR, BEED AND ORS.**

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**Advocate for Applicant/s: Mr. S. S. Kedar
AGP for Respondents/State: Mr. P. M. Kulkarni**

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 10.08.2023**

PER COURT :

1. By these application/s, the applicants seek to condone the delay of 530 days caused in filing the appeals assailing the judgment and award passed by the Reference Court.
2. The contention of the applicants is that their lands have been acquired. However, they are not paid adequate compensation and even the Reference Court failed to consider the material on

record and appropriately enhanced the compensation. He would further submit that the applicants are agriculturist and because of their illiteracy and economic hurdles, they could not approach this Court in time. The delay caused in filing the appeals is not intentional.

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3. Per contra, Mr. Kulkarni, the learned AGP appearing for the respondents – State opposes the contention of the applicants on the ground that, no sufficient cause is made out to condone the delay. In alternative, he submits that, if this Court condone the delay, then the applicants shall not claim interest and statutory benefits for the delayed period.
4. Having considered the submissions advanced, it is apparent that, the applicants are agriculturist and they are litigating for getting just compensation towards the lands acquired. The reasons as stated in Paragraph No.4 of the applications are uncontroverted. In that view of the matter, sufficient cause is made out to condone the delay. Hence, the following order:

ORDER

- a. Civil Applications are allowed.
- b. The delay of 530 days caused in filing the appeals is condoned.
- c. Appeal be registered, subject to the condition that the applicants shall not claim interest and statutory benefits for the delayed period and file such undertaking before the Registrar [Judicial] of this Court within a period of 10 weeks.
- d. Civil Application is disposed of.

[S. G. CHAPALGAONKAR]
JUDGE