

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

905 FIRST APPEAL NO.2437 OF 2023

KALABAI MADHAVRAO JADHAV (DIED) THR LRS SHOBHA BALU SHIRKE
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. N.S. Tekale
Advocate for Respondent 2 : Mr. V.V. Torde

...

908 CIVIL APPLICATION NO.7469 OF 2023
IN FAST/12752/2023

VINAYAK SONU CHAUDHARI
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. R.S. Wani
Advocate for Respondent 2 : Mr. D.D. Pokharkar

...

909 CIVIL APPLICATION NO.7470 OF 2023
IN FAST/12755/2023

SITARAM MADHAV DUBE
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mrs. M.L. Sangit
Advocate for Respondent 2 : Mr. V.V. Torde

...

910 CIVIL APPLICATION NO.7634 OF 2023
IN FAST/12772/2023

THAGUBAI CHAVDAS KOLI DIED THR LRS RAVINDRA CHAVDAS KOLI AND
ORS
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. N.S. Tekale
Advocate for Respondent 2 : Mr. D.D. Pokharkar

...

911 CIVIL APPLICATION NO.8904 OF 2023
IN FAST/14878/2023

BHAGWAT KESHAV SALUNKHE DIED THR LRS CHINDHABAI SALUNKHE
AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI PROJECT
HATNOOR NO.1 JALGAON ANDANR

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. R.S. Wani
Advocate for Respondent 2 : Mr. V.V. Torde

...

912 CIVIL APPLICATION NO.8918 OF 2023
IN FAST/14881/2023

SUKDEO SHAMRAO CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALGAON AND
ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mrs. M.L. Sangit
Advocate for Respondent 2 : Mr. D.D. Pokharkar

...

919 CIVIL APPLICATION NO.3029 OF 2021
IN FAST/18981/2020

SUBHASH DASHARTH TANVAR
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, U.T.P. (HATNUR)-1 JALGAON
AND ANOTHER

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mrs. M.L. Sangit
Advocate for Respondent 2 : Mr. D.D. Pokharkar

...

920 CIVIL APPLICATION NO.6969 OF 2021
IN FAST/16473/2021

SAKUBAI SAMADHAN PATIL
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. N.S. Tekale
Advocate for Respondent 2 : Mr. V.V. Torde

...

921 CIVIL APPLICATION NO.3993 OF 2023
IN FAST/6088/2023

BHIMRAO KAUTIK CHINCHOLE
VERSUS
THE COLLECTOR, JALGOAN AND ORS

...

Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. R.S. Wani
Advocate for Respondent 2 : Mr. D.D. Pokharkar

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923 CIVIL APPLICATION NO.10140 OF 2023
IN FAST/21446/2023 WITH CA/10139/2023 IN FAST/21442/2023 WITH
CA/10141/2023 IN FAST/21444/2023

VILAS DEVIDAS KALE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (1), UPPER TAPI PRO.,
HATNUR, JALGAON AND ANR

...

Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. N.S. Tekale

...

924 CIVIL APPLICATION NO.10143 OF 2023
IN FAST/20972/2023

SUNIL DEVIDAS PATIL
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. R.S. Wani

...

925 CIVIL APPLICATION NO.10144 OF 2023
IN FAST/20956/2023

CHINDHU SAMPAT NIKAM (DIED) THR LRS. BHAGWAT CHINDHU NIKAM
AND ANR
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mr. N.S. Tekale

...

926 CIVIL APPLICATION NO.10145 OF 2023
IN FAST/20967/2023

VIJAY DEVIDAS PATIL
VERSUS
THE STATE OF MAHARASHTRA, AND ANOTHER

...
Advocate for Appellant : Ms. S.A. Kale h/f. Mr. A.B. Kale
AGP for Respondent/State : Mrs. M.L. Sangit
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/12/2023

PER COURT :

1. Heard the learned counsel for respective parties.
2. The learned AGP waives service of notice for respondent/State and Mr. Torde and Mr. D.D. Pokharkar waives service of notice for respondent/Acquiring Body.
3. The present first appeals are filed by the appellants/original claimants along with the applications i.e. CA No.7469/2023 in FAST No. 12752/2023, CA No. 7470/2023 in FAST No. 12755/2023, CA No. 7634/2023 in FAST No. 12772/2023, CA No.8904/2023 in FAST No. 14878/2023, CA No. 8918/2023 in FAST No. 14881/2023, CA No. 3029/2021 in FAST No. 18981/2020, CA No. 6969/2021 in FAST No. 16473/2021, CA No. 3993/2023 in FAST No. 6088/2023, CA No. 10140/2023 in FAST No. 21446/2023 with CA No. 10139/2023 in FAST No. 21442/2023 with CA No. 10141/2023 in FAST No. 21444/2023, CA No.10143/2023 in FAST No. 20972/2023, CA No. 10144/2023 in FAST No. 20956/2023, CA No. 10145/2023 in FAST No. 20967/2023 for condonation of delay of 1177 to 4290 days caused in filing the respective appeals. The learned counsel for the appellants/claimants submits that the claimants are uneducated, their lands are compulsorily acquired, they have lost their livelihood and meager amount of compensation is granted to

them. Due to financial difficulties, they could not file appeals in time. The learned counsel for the appellants/claimants further submits that the claimants will not claim the interest and any statutory benefits for the delay period caused in filing the appeals.

4. The learned AGP and the respective learned counsel appearing for SLAO strongly opposed the applications on the ground that there is huge delay and delay is not satisfactorily explained. The learned AGP and the respective counsel appearing for SLAO, therefore, pray for rejection of delay condonation applications and consequently appeals.

5. Considering the rival submission, in the interest of justice and for the reasons stated in application, I deem it appropriate to condone the delay of 1177 to 4290 days caused in filing the respective appeals. In view of the same, the delay of 1177 to 4290 days caused in filing the respective appeals is condoned. The delay applications are allowed and disposed of, subject to condition that the appellants/claimants are not entitled for the interest and any statutory benefits for the delayed period.

6. The learned counsel appearing for the parties submits that these appeals are covered by another connected matters wherein this court by order dated 11.09.2023 has disposed of the First Appeal No.2563 of 2023 (Narendra Vijaysingh Girase Vs. The Collector, Dhule & Ors.) and other connected first appeals. The parties are ad idem that this would be covered by the same.

7. In view of the same, the following order is passed:

ORDER

i] All these appeals are partly allowed and the respondent/ acquiring body shall pay compensation amount to all these appellants/ claimants in

respect of their house properties mentioned therein at the rate of 85% of the valuation report submitted by these appellants before the learned Reference Court.

ii] In the matters, wherein there is no delay, the respondent/acquiring body shall pay the interest under Section 28 of the Land Acquisition Act from the date award.

iii] The respondent/acquiring body shall deposit the amount of enhanced compensation as aforesaid, within a period of one year from the date of this order directly in Reference Court and on such deposit, all these appellants – claimants are permitted to withdraw their respective amounts of compensation alongwith the interest.

iv] In the matters, wherein delay is condoned in filing appeals, the appellants/claimants are not entitled for the interest and statutory benefits for the delayed period.

v] In case the payment is delayed by the respondent – acquiring body even after period of one year then it shall carry the statutory interest till its realization.

vi] The concerned appellants/claimants are directed to pay the deficit Court fees, if any, at the time of modification of awards.

vii] The awards be modified accordingly and the pending Civil Applications, if any, also stand disposed of.

viii] All the first appeals are disposed of.

[ARUN R. PEDNEKER J.]

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