

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO.2813 OF 2020  
IN FAST/26380/2018

KASHINATH SAMPAT CHOUDHARI AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr I.K. Wagh h/f Mr Kumar Gaurav M.More  
AGP for Respondent Nos. 1 to 3 : Mr S.B. Yawalkar  
Advocate for Respondent No. 4 : Mr S.B. Kadu

**CORAM : S.G. CHAPALGAONKAR, J.**  
**DATE : 24-02-2023**

**PER COURT :**

1. Heard.
2. The applicants seek to condone the delay of 2017 days caused in filing the appeal against the Judgment and award passed by the Reference Court in LAR No. 599/2006 at Jalgaon.
3. The learned advocate appearing for the applicants submits that the delay caused in filing appeal is not intentional. He would submit that the applicants have lost their agricultural land on account of compulsory acquisitions of the property. They are seeking enhancement of compensation. They have not been adequately compensated by the Land Acquisition Officer or by the Reference Court. He submits that the applicants have good grounds in appeal for enhancement of compensation.
4. The learned AGP appearing for the respondent Nos. 1 to 3 strongly opposes the application.

5. The learned advocate appearing for the respondent No.4/acquiring body opposes the application stating that the reasons stated in para No. 4 of the application cannot be considered as sufficient reason to condone the huge delay. In alternative, he submits that if the delay is condoned, the applicants shall not be entitled to claim the interest for the delayed period.

6. Having considered the arguments advanced on behalf of the respective parties and considering the nature of the litigation as well as the reasons stated in para No. 4 of the application, it is just and desirable to condone the delay subject to condition that the applicants shall not claim the interest for the delayed period in case their prayer for enhancement of compensation is accepted by this Court in appeal.

7. The civil application is accordingly allowed and disposed of.

8. The delay of 2017 days caused in filing of the appeal is condoned subject to condition as stated above.

9. The appeal be registered.

**[ S.G. CHAPALGAONKAR, J. ]**

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