

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.6223 OF 2019 IN FAST/22688/2018
WITH CA/6224/2019 IN FAST/22950/2018
WITH CA/6225/2019 IN FAST/22953/2018
WITH CA/6226/2019 IN FAST/22955/2018
WITH CA/6227/2019 IN FAST/22957/2018
WITH CA/6228/2019 IN FAST/22959/2018
WITH CA/6229/2019 IN FAST/22961/2018
WITH CA/6230/2019 IN FAST/22963/2018
WITH CA/6231/2019 IN FAST/22965/2018
WITH CA/6232/2019 IN FAST/22967/2018

SUBHADRABAI RAMCHANDRA WADKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Laxmikant C. Patil
AGP for Respondents No. 1 and 2 : Mr. A. S. Shinde
Advocate for Respondent No.3 : Mr. S. G. Bhalerao

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922 CIVIL APPLICATION NO.2222 OF 2020
IN FAST/27634/2018

ARUNA NARAYAN KALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Laxmikant C. Patil
AGP for Respondents No. 1 and 2 : Mr. S. G. Salgare
Advocate for Respondent No.3 : Mr. S. G. Bhalerao

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicants seek to condone the delay 765, 762 and 124 days caused in filing the respective appeals against the Judgment and award passed by the Reference Court.

3. The learned advocate appearing for the applicants invites attention of this Court to the reasons mentioned in the applications. He would submit that the delay caused in filing the appeals is unintentional. The applicants have not derived any advantage out of the delay. The applicants have lost their agricultural land on account of compulsory acquisitions and they have not been adequately compensated. These appeals are filed seeking enhancement of compensation.

4. The learned advocate appearing for the respondents opposes the applications stating that the reasons stated in the applications are not sufficient to condone the 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.

5. Having considered the submissions advanced by the learned advocate appearing for the parties and after going through the reasons mentioned in the applications, I am inclined to condone the delay, however, on condition that the applicants shall not be entitled to claim the interest for the period of delay, in case their prayer for enhancement of compensation is accepted by this Court.

6. The applications are allowed.

7. The delay is condoned subject to condition as stated above.

8. The appeals be registered.

9. On registration of appeals, issue notice to the respondents before admission, returnable on 23-06-2023.
10. The learned advocate appearing for the respondents waives notice.
11. Call for record and proceedings.

[S.G. CHAPALGAONKAR, J.]

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