

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

**CIVIL APPLICATION NO. 16828 OF 2022
IN
FIRST APPEAL (ST) NO.26492 OF 2022**

**RAJESH S/O BABASAHEB KENDHALE
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR, JALNA AND ORS.**

...
**CIVIL APPLICATION NO. 16829 OF 2022
IN
FIRST APPEAL (ST) NO.26502 OF 2022**

**AVINASH BABASAHEB KENDHALE
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR, JALNA AND ORS.**

...
Advocate for Applicant/s : Mr. S. M. Kakde
AGP for Respondent Nos.1 and 2/State: Mrs. P. V. Diggikar
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 01.08.2023

PER COURT :

1. By these application/s, the applicants seek to condone the delay of 2078 days caused in filing the appeals against the order passed by the Reference Court.
2. Mr. Kakde, learned Advocate appearing for the applicant/s submits that the applicants are the agriculturist who lost their lands on account of compulsory acquisition. They were not adequately compensated. Hence, the references were filed

under Section 18 of the Land Acquisition Act. However, the Reference Court without considering the evidence, tendered into service, in its proper perspective granted marginal enhancement. He further submits that due to the poverty and illiteracy, the applicants could not approach this Court within stipulated time. He would further submits that although there is substantial delay, the applicants are ready to give up the interest and statutory benefits for the period of delay.

3. Learned AGP appearing for respondent nos.1 and 2 opposes the prayer on the ground that there is no proper explanation for inordinate delay.
4. Having considered the submissions advanced, it is apparent that the applicants are litigating for getting appropriate compensation for the acquired lands. The applicants are the agriculturist and the financial difficulties as well as illiteracy is being hurdle for them in approaching this Court. Therefore, considering the reasons as stated in Paragraph Nos.3 to 11 of the applications, it would be appropriate to condone the delay in the interest of justice by putting certain conditions. Hence, this Court proceeds to pass the following order:

ORDER

- (i) Civil Applications are allowed.
- (ii) The delay of 2078 days caused in filing the appeals is condoned, subject to condition that the appellants file an undertaking to the Registrar of this Court that they shall not claim interest and statutory benefits for the period of delay in case their appeals are favorably considered for grant of enhancement.

(iii) Civil Applications are disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer