

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

**CIVIL APPLICATION NO. 455 OF 2023
IN
FIRST APPEAL (ST) NO.26757 OF 2022**

KANNU HARSHU JADHAV (DIED) THR LRS. MOHAN KANIRAM
JADHAV
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS.

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Advocate for Applicant : Mr. S. M. Kakde
AGP for Respondent Nos.1 and 2/State: Mr. P. M. Kulkarni

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 01.08.2023

PER COURT :

1. By this application, the applicant seeks to condone the delay of 167 days caused in filing the appeal against the order passed by the Reference Court.
2. Mr. Kakde, learned Advocate appearing for the applicant submits that the applicant is an agriculturist who lost his land on account of compulsory acquisition. He was not adequately compensated. Hence, reference was 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 applicant could not approach this Court within stipulated time. He would further

submits that although there is substantial delay, the applicant is 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 applicant is litigating for getting appropriate compensation for the acquired land. The applicant is an agriculturist and the financial difficulties as well as illiteracy is being hurdle for him in approaching this Court. Therefore, considering the reasons as stated in Paragraph Nos.3 to 11 of the application, 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 Application is allowed.
- (ii) The delay of 167 days caused in filing the appeal is condoned, subject to condition that the appellant files an undertaking to the Registrar of this Court that he shall not claim interest and statutory benefits for the period of delay in case his appeal is favorably considered for grant of enhancement.
- (iii) Civil Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE