

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

**CIVIL APPLICATION NO.4983 OF 2023
IN FAST/34093/2022**

AVACHIT SHESHRAO PAWAR (DIED) THR LRS. NAVNATH AVACHIT
PAWAR
VERSUS

THE STATE OF MAHARASHTRA THROUGH SPECIAL LAND
ACQUISITION OFFICER, JALNA AND ANOTHER

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Advocate for Applicants : Ms. M. R. Dahat h/f Mr. N. S. Shah
AGP for Respondents/State: Mr. S. S. Dande

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 07.08.2023

PER COURT :

1. By this application, the applicant seeks to condone the delay of 3504 days caused in filing the appeal against the award passed by the Reference Court.
2. The learned Advocate appearing for the applicant submits that the applicant is litigating for the compensation of the acquired land. He submits that the Land Acquisition Officer as well as Reference Court have failed to assess just compensation of the acquired land based on market value. He would also submit that after passing of the award by the Reference Court, he was required to wait for the recovery of enhanced compensation. Thereafter, there was Covid-19 pandemic.

3. In that view of the matter, the delay is occurred in filing the appeal, which is duly explained in Paragraph Nos.5 to 11 of the application. The notice of this application is served upon respondent no.2 - acquiring body. However, none appears for him.
4. The learned AGP appearing for respondent no.1 opposes the application stating that there is a huge delay and the explanation tendered in the application cannot be construed as sufficient cause.
5. Having considered the submissions advanced, apparently, the applicant is litigating for just compensation. It is submitted on behalf of the applicant that the adjacent land holders are granted the compensation by the Reference Court more than what is assessed in favour of the applicant.
6. In that view of the matter, there is no impediment to condone the delay putting certain conditions. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The delay of 3504 days caused in filing the appeal is condoned, subject to the condition that the applicant shall not claim interest and statutory benefits for the delayed period.
- (iii) Appeal be registered, subject to removal of office objections, if any.
- (iv) Civil Application is disposed of.

[S. G. CHAPALGAONKAR, J.]