

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

**CIVIL APPLICATION NO.5387 OF 2023  
IN FAST/34447/2022**

**SOMNATH RAMLING KHANKARE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE  
COLLECTOR NANDED AND ORS**

...

Mr. A. B. Shinde, Advocate for the Applicant.

Mr. P. M. Kulkarni, AGP for Respondents-State.

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATE : 11<sup>th</sup> AUGUST, 2023.**

**PER COURT:-**

1. By this application, the applicant seeks to condone the delay of 1166 days caused in filing the appeal against the award passed by the Reference Court.

2. Mr. Shinde, learned Advocate appearing for the applicant submits that the applicant is rustic villager. He has lost his agriculture land on account of compulsory acquisition. The Land Acquisition Officer as well as Reference Court failed to appreciate various sale instances and evidence showing true and correct market value of the land. He submits that because of economical and other constraint, the applicant could not approach this Court within time. As such, delay is caused, which is not intentional. He further submits that in case this Court considers the application for delay condonation, the applicant would waive interest and statutory benefit for the delayed period.

3. Although, the notice of this application is served upon the respondent-Acquiring Body, none appears.

4. The learned A.G.P. further opposes the application contending that the sufficient cause is not made out to condone the delay.

5. Having considered the submissions advanced and averments in his application, it is apparent that the applicant is litigating for getting just compensation towards acquired land. He has not derived any disadvantage out of such delay. In that view of the matter, case is made out to condone the delay subject to certain conditions. Hence, the following order:

**ORDER**

- a. Civil Application is allowed.
- b. Delay of 1166 days caused in filing the appeal is condoned subject to condition that applicant shall not claim interest and statutory benefit for the period of delay and submits such undertaking to the Registrar of this Court within a period of 10 weeks from today.
- c. On aforesaid compliance and subject to removal of office objections, appeal be registered.
- d. Civil Application is disposed of.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**