

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

944 CIVIL APPLICATION NO.416 OF 2023
IN FAST/34796/2022

SUBHASH TATYARAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, LATUR
AND OTHERS

...
Advocate for Applicant :Mr. Chillarge Subhash S.
AGP for Respondents: Mr. S.S. Dande.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH AUGUST, 2023

ORDER :-

Mr. Chillarge, learned counsel for applicants submits that the appeals are filed seeking enhancement of compensation against the award passed by the Reference Court. He submits that the applicants are litigating for just compensation of their acquired land. The Land Acquisition Officer as well as the Reference Court failed to appreciate the comparative sale instances and other material on record and passed meager award. He submits that the delay has occasioned on account of illiteracy and financial difficulties faced by the applicants. He invited attention of this Court to the reasons mentioned in para. 3 to 6 of the application and submits that if the delay is condoned the applicants shall not claim interest and statutory benefits for the delayed period.

2. Learned AGP opposes the prayer stating that there is inordinate delay and the explanation tendered can not be construed to

be sufficient cause.

3. Since the applicants are litigation for the just compensation of their acquired land and the fact that they are agriculturist and rustic persons, it would be appropriate to condone the delay, however, subject to certain conditions. Hence, the following order.

-:O R D E R :-

5. [I] Civil application is allowed.

[ii] Delay of 3682 days caused in filing the appeal is condoned subject to condition that the claimant shall not be entitled to claim interest and statutory benefits for the delayed period and file an undertaking to that effect to the satisfaction of the Registrar (Judicial) of this Court within a period of two weeks from today.

[iii] Civil application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-