



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1509 OF 2020 IN FAST/1609/2019

Shobha Gangadhar Wadkar
VERSUS
The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1512 OF 2020 IN FAST/1605/2019

Gangadhar Bapurao Wadkar (Died) Through L.Rs. Kamalbai
And Another
VERSUS
The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1511 OF 2020 IN FAST/1607/2019

Ranjana Ramchandra Wadkar
VERSUS
The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1510 OF 2020 IN FAST/1611/2019

.....
Mr. Laxmikant C. Patil, Advocate for Applicants
Mr. R.B. Dhaware, AGP for Respondents No.1 and 2
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th DECEMBER, 2024

ORDER :

1. Heard.

2. These applications are filed for condonation of delay of 846 days in filing the first appeals challenging the judgment and award passed by the reference Court.

3. Reason assigned for delay is that, though the award was passed on 12.10.2006, references were decided in the year 2016 and claimants received enhanced compensation only in the year 2017. Vicarious financial condition is stated to be one of the grounds for condonation of delay

4. Learned AGP vehemently opposed the application stating that, there is inordinate delay more than 2 years, which is not liable to be condoned in the facts of the present case.

5. Considering the fact that, though acquisition process was initiated in the year 2002 and entire land of applicants is acquired, and though the Reference Court has passed the award in the year 2016, applicants could have received enhanced compensation amount only in the year 2017. On receipt of enhanced compensation amount, they have immediately preferred first appeals. In my opinion, the delay is properly explained and deserves to be condoned in the facts of present case.

6. In the result, applications are allowed. Delay is condoned on condition that applicants shall not be entitled for the interest for period of delay.

[NITIN B. SURYAWANSHI]
JUDGE