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943 sr.no..odt

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

**943 CIVIL APPLICATION NO. 2018 OF 2022
IN FAST/3219/2022**

Ganpati Ramji More (died) Thr Lrs Padminbai W/o Ganpati More
(widow) And Ors

....Applicant

VERSUS

The State Of Maharashtra Thr District Collector, Latur And Anr

.....Respondent

.....
Advocate for Applicant : Mr. V.G. Kodale h/f. Mr. Gunale V.D.
AGP for Respondents: Mr. V.M. Jaware.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH FEBRUARY, 2024.

ORDER :-

By this application, the applicants seek to condone the delay of 2198 days caused in filing the first appeal against the judgment and award dated 23.10.2015 passed by the Reference Court in LAR NO. 1703 of 2010.

2. The learned advocate for the applicants submit that the applicants are agriculturist and they have lost their land on account of compulsory acquisition. They were not adequately compensated. Therefore, proceeding under Section 18 of the Land Acquisition Act was initiated. The applicants recorded adequate evidence in support of their claim before the Reference Court. However, meager enhancement is granted. It is further submitted that the applicants were facing huge

financial crisis and even they were not properly advised. The learned counsel for the applicant invited attention of this Court to the reasoning in para. Nos. 2 to 4 of the application and submits that sufficient cause is made out to condone the delay.

3. Learned AGP however oppose the applications. He would submit that the reasons stated in the application do not constitute sufficient cause within the meaning of Section 5 of the Limitation Act.

4. Having considered the submissions advanced and the fact that the applicants are litigating for getting just compensation towards their acquired land. Although some enhancement is granted by the Reference Court, the applicants are aggrieved and seek further enhancement by way of filing the appeal.

5. It can be further seen that although the award is passed in the year 2015, there was communication gap between the applicants and their advocate. The compensation amount as per the award has been deposited by the respondents some time in the year 2021, which has been withdrawn by the applicants in the month of July, 2021.

6. In that view of the matter, it would be appropriate to condone the delay. However, the applicants shall not be entitled to claim interest for the delayed period and such affidavit is to be filed before the Registrar (Judicial) of this Court. Hence, the following order :-

O R D E R

[I] Civil applications are allowed.

[ii] Delay of 2198 days caused in filing the appeal is

condoned subject to condition that the claimant shall not be entitled to claim interest for the delayed period in case the enhancement is granted in appeal and file an undertaking to that effect to the satisfaction of the Registrar (Judicial) of this Court.

[iii] Appeals be registered.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-