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

**30 CIVIL APPLICATION NO. 3345 OF 2023
IN FAST/5610/2023**

**SHIVAJI SONRAO DESHMUKH DIED THR LRS SITABAI
SHIVAJIRAO DESHMUKH AND ORS**

....Applicants

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
LATUR AND ORS**

.....Respondents

Mr. S. S. Chillarge, Advocate for the applicants
Mrs. A. S. Mantri, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

P. C.

1. Heard the learned advocates for the parties for some time.

2. This application is filed for condonation of delay of 3729 days caused in filing the appeal by the claimants for enhancement in the amount of compensation. The land of the claimants came to be acquired by the respondents. Claimants

had therefore filed reference proceeding in the District Court at Latur. Reference was allowed by the judgment and award dated 24-08-2012 partly. The applicants therefore, approached this court who are heirs of the original claimant. Original claimant died on 23-02-2021.

3. Reasons stated in the application is only that the applicants could not get the knowledge of the order passed by the learned Reference Court. The applicants approached the advocate who conducted the reference in the trial court in the month of November, 2022 to make an enquiry about the matter. It is only upon, the applicants could get the knowledge of the judgment and award. It is further averred in the application that some of the claimants under same award reference court has awarded rate of Rs.75 to 100 per sq. fts. Said judgment is also confirmed by the High Court. Reference Court however, granted the compensation @ Rs.861/- per R in the case of present applicants.

4. So far as delay is concerned, it is stated that the applicants are poor persons and not much literate and therefore, they could not approach this court within time.

5. The application is opposed by the learned AGP.

6. It is clearly seen from the application that the applicants got the knowledge even of the judgment passed by this court in similar matters confirming the judgment and award of the trial court. This court is not much convinced about the cause for delay. However, since the applicants are heirs of the original claimant whose land is acquired, this court is inclined to allow the application. Hence, the following order:-

ORDER

a] The application stands allowed subject to cost of Rs.2500/- to be deposited in the office of the Legal Services Authority, High Court of Judicature of Bombay Bench at Aurangabad. Delay stands condoned.

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b] It is made clear that the applicants shall not be entitled to receive any interest on the enhanced amount for delayed period.

c] Application stands disposed off.

[KISHORE C. SANT, J.]

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