



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1019 CIVIL APPLICATION NO. 6265 OF 2023 (Delay)
IN FAST/7507/2023

Babusing Dhondiba Rathod

VERSUS

The State Of Maharashtra Through The Collector Jalna And
Ors

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Advocate for Applicant : Mr. Kakde S.M. And Kakde D.m.

AGP for Respondents: Mr. K S Patil

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AND

1020 CIVIL APPLICATION NO. 6461 OF 2023 (Delay)
IN FAST/6036/2023

Rukminibai Ashroba Gund

VERSUS

The State Of Maharashtra Through The Collector Jalna And
Ors

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Advocate for Applicant : Mr. Kakde D.M And Kakde S.M

AGP for Respondents: Mr. K B Jadhavar

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

1. Heard learned counsel appearing for the respective parties.

2. Mr. Kakade learned counsel appearing for applicant/s submits that the applicant/s are owners of agricultural land. Under the Award their land has been acquired and meager compensation was awarded to them. The applicants had approached the Reference Court under section 18 of the Land

Acquisition Act, however, could not get compensation as per their entitlement. The applicant/s are not conversant with the legal position. Even, they are not having sufficient financial support. Meager compensation has been received by him as against the land acquired. The delay caused in filing the appeal/s is not intentional. The applicant/s have not get any benefit by making such delay. The applicants have good case on merit. Therefore, he urges to condone the delay caused in filing the appeal/s.

3. Learned AGP strongly opposed the applications. He submits that the applicant/s have not explained inordinate delay by giving proper reasons. In the alternate he submits that, in case, this Court condoned the delay, the applicants shall not claim interest and statutory benefits for the delayed period.

4. Having considered the submissions advanced, it is clear that the applicants are litigating for adequate compensation towards acquired land. True that applicant/s have not explained day to day delay, but in substance, they have given adequate reasons for non-filing of the appeal/s within stipulated period. Further, if the applicant/s waives interest and statutory benefits for the delayed period, no prejudice would be caused to the respondents.

5. In that view of the matter, the applications deserve to be allowed. Hence, civil applications are allowed and **disposed off**. Delay caused in filing the appeal/s is condoned subject to condition that the applicant/s file an undertaking with the

Registry of this Court that they shall not claim interest and statutory benefits for the delayed period.

6. Appeals be registered. On registration of the appeals, issue notice to the Respondents. Learned AGP waives notice for respondent State. Call for Record and Proceeding.

(S. G. CHAPALGAONKAR)
JUDGE

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