



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 7719 OF 2023
IN FAST/12138/2023**

KISAN KHIRU CHAVHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
JALNA AND ORS

...

Mr. Shubham Madhavrao Kakde and Mr. D. M. Kakade, Advocate
for Applicant.

Mr. S. J. Salgare, AGP for Respondents.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 29th APRIL, 2024.**

PER COURT:-

1. By this application, the applicant seeks to condone the delay of 353 days caused in filing the Appeal against award dated 31.01.2020 passed by the Reference Court under the provisions of Land Acquisition Act.

2. Mr. Kakde, learned Advocate appearing for the applicant submits that the applicant is farmer. He lost his land due to compulsory acquisition of the land. The Land Acquisition Officer passed meager award. The applicant had approached the Reference Court seeking enhanced compensation. However, the material placed on record is not properly appreciated and the applicant is not adequately compensated. Therefore, he approached this Court in this Appeal. He would submit that the delay of 353 days has been caused on account of the reasons beyond control of the applicant and explained in paragraph nos.2 to 11 of the application.

3. The learned A.G.P. appearing for respondents opposes the prayer to condone the delay.

4. Having considered the fact that the applicant is litigating for getting just compensation towards acquired land and the fact that the delay of 353 days has been duly explained in paragraph nos.2 to 11 of the application, case is made out to condone the delay. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 353 days caused in filing the First Appeal against the Award passed by the Reference Court at Jalna is condoned.
- c. Appeal be registered.
- d. On registration of Appeal, issue notice to the respondents. The learned A.G.P. waives notice for all the respondents.
- e. Call for Records and Proceedings.

(S. G. CHAPALGAONKAR)
JUDGE