



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 7127 OF 2023
IN FAST/14343/2023**

INDUBAI ASHOK GADEKAR

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR,
AHMEDNAGAR AND ANR

...

Mr. Vijay B. Jagtap h/f Mr. Yuvraj S. Choudhari, Advocate for
Applicant.

Ms. R. P. Gour, AGP for Respondents.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 29th APRIL, 2024.

PER COURT:-

1. By this application, the applicants seek to condone the delay of 332 days caused in filing the Appeal against award dated 08.04.2021 passed by the Reference Court under the provisions of Land Acquisition Act.

2. Mr. Jagtap, learned Advocate holding for Mr. Choudhari, learned Advocate appearing for the applicant submits that the applicant has approached this Court seeking enhanced compensation. Her land has been acquired in the year 2012 for construction of road. 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. He submits that the delay caused in filing the Appeal is on account of reasons as stated in paragraph nos.3 to 5 of the application.

3. The learned A.G.P. appearing for the respondents opposes the prayer. She would submit that the grounds as stated in the application does not constitute sufficient cause to condone

the delay. However, if the delay is condoned, the applicant shall not claim the interest for the delayed period.

4. Having considered submissions advanced, apparently the applicant is the agriculturist and litigating for getting just compensation towards acquired land. The Reference Court granted enhancement to certain extent. However, applicant is aggrieved by such assessment. Looking to the nature of litigation and length of the delay, particularly in light of the reasons as stated in the application, case is made out to condone the delay. Although, Ms. Gour, learned A.G.P. submits that the applicant shall not be entitled for interest for the delayed period, looking to the grounds as stated in the application, such contention cannot be accepted. The applicant has adequately explained the delay, which needs to be condoned. Resultantly, application succeeds. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 332 days caused in filing the First Appeal against the Award passed by the Reference Court at Ahmednagar 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