



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 5601 OF 2020
IN FAST/14905/2019**

**MAHADU EKNATH GUME AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

**WITH
CIVIL APPLICATION NO. 5602 OF 2020
IN FAST/15124/2019**

**EKNATH NAMA GUME
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...

Mr. Suraj V. Gundre, Advocate for Applicants.
Mr. V. M. Jaware, AGP for Respondent No.1

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th FEBRUARY, 2024.**

PER COURT:-

1. The applicants/original claimants in Land Acquisition References seek to condone the delay of 2113 days caused in filing the First Appeals against the awards passed by the Reference Court.

2. Mr. Gundre, learned Advocate appearing for the applicants submits that the lands of the applicants have been acquired in the year 2005. They were granted inadequate compensation by the Land Acquisition Officer. Therefore, the applicants had preferred Land Acquisition References under Section 18 of the Land Acquisition Act. Although the applicants have laid sufficient evidence to indicate that they are entitled for the compensation as claimed, the learned Reference Court granted limited enhancement. He would further submit that although award was passed in the year 2013, the respondents have deposited the compensation amount in the month of July

2018. After receiving the said amount, the applicants could manage for expenses for filing the First Appeals and accordingly the delay is caused, which is unintentional. Therefore, they seek to condone the delay and register the First Appeals.

3. The learned A.G.P. strongly opposes the prayer.

4. Although the notice is served upon respondent no.2-Acquiring Body, none appears for them.

5. The contentions in these applications have gone uncontested. Therefore, the case is made out for condoning the delay. However, on condition that the applicants shall not claim interest for the period of delay and file such an undertaking with the Registrar (Judicial) of this Court within a period of eight weeks from today. Hence, following order:

ORDER

- a. Civil Applications are allowed.
- b. Delay of 2113 days caused in filing the First Appeals is hereby condoned subject to condition that the applicants file an undertaking to the Registrar (Judicial) of this Court within a period of eight weeks from today that they shall not claim interest for the delayed period, in case this Court awards enhanced compensation in Appeals.
- c. First Appeals be registered.
- d. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE