



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1065 OF 2020 IN FAST/17311/2019

Avinash Murlidhar Sampate

VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1070 OF 2020 IN FAST/16773/2019

Anirudh Sanjay Patil And Others

VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1066 OF 2020 IN FAST/17304/2019

Uttam Dnyanoba Bhadade

VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1068 OF 2020 IN FAST/17307/2019

Pratibhabai Murlidhar Sampate

VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1069 OF 2020 IN FAST/17309/2019

Suresh Devidasrao Patil

VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO. 1067 OF 2020 IN FAST/17313/2019

Tulshiram Dnyanoba Bhadade (died) Through L.Rs. Mangalbai

VERSUS

The State Of Maharashtra And Others

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Mr. Laxmikant C. Patil, Advocate for Applicants

Mr. R.B. Dhaware, AGP for Respondents No.1 and 2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th DECEMBER, 2024

ORDER :

1. Heard.

2. These applications are filed for condonation of delay of 1930 days in filing the first appeals challenging the judgment and award passed by the reference Court.

3. Reason assigned for delay is that, though the award was passed on 17.01.2011, references were decided in the year 2013 and claimants received enhanced compensation only in the year 2018. Vicarious financial condition is stated to be one of the grounds for condonation of delay

4. Learned AGP vehemently opposed the application stating that, there is inordinate delay more than 5 years, which is not liable to be condoned in the facts of the present case.

5. Considering the fact that, though acquisition process was initiated in the year 2009 and entire land of applicants is acquired, and though the Reference Court has passed the award in the year 2013, applicants could have received enhanced compensation amount only in the year 2018. On receipt of enhanced compensation amount, they have immediately preferred first appeals. In my opinion, the delay is properly explained and deserves to be condoned in the facts of present case.

6. in the result, applications are allowed. Delay is condoned on condition that applicants shall not be entitled for the interest for period of delay.

[NITIN B. SURYAWANSHI]
JUDGE