



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2106 OF 2022
IN FAST/19228/2019**

**PARMESHWAR LAXMAN DEVKATE
VERSUS
THE EXE. ENGINEER LMI. DIV., LATUR AND OTHERS**

**AND
CIVIL APPLICATION NO. 2107 OF 2022
IN FAST/19232/2019**

**NARSING LAXMAN DEVKATE
VERSUS
THE EXE. ENGINEER LMI. DIV., LATUR AND OTHERS**

...
Mr. Vijay G. Sakolkar and Mr. H. B. Nandagavale, Advocate for Applicants.

Mr. V. M. Jaware, AGP for Respondent Nos.2 and 3.

Mrs. Chaitali Kutti, Advocate for Respondent No.1.

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

PER COURT:-

1. The applicants seek to condone the delay of 2761 days caused in filing the First Appeals against the award passed by the Reference Court in L.A.R. Nos.195/2009 and 194/2009 dated 05.09.2011.

2. The learned Advocate appearing for the applicants would submit that the applicants are agriculturists and their lands have been acquired in the year 2006 for the purpose of construction of Tambatsangvi Storage Tank at Vilegaon, Taluka Ahmedpur, Dist. Latur. The applicants lost their primary source of income. They were inadequately compensated by the Land Acquisition Officer. Therefore, References were made under

Section 18 of the Land Acquisition Act. Although the applicants have placed sufficient evidence on record to justify their claims for enhanced amount, the Reference Court granted inadequate compensation.

3. The learned Advocate appearing for the applicants would invite attention of this Court to the averments in paragraph nos.2 to 4 of the application to contend that because of poverty the applicants could not approach this Court within the period of limitation. The delay caused is unintentional.

4. The learned Advocate appearing for respondent no.1 vehemently opposes the prayer. She would submit that there is absolutely no explanation for inordinate delay caused in filing the First Appeals. In alternative, she submits that, if this Court considers it appropriate to condone the delay, the applicants may not be granted interest on delayed period.

5. Having considered submissions advanced, it is apparent that the applicants have approached this Court seeking enhancement of compensation towards their acquired lands. The averments in the application shows that the applicants were apprehended from approaching this Court because of his precarious financial conditions. The averment in the application has not controverted. In that view of the matter, case is made out to condone the delay subject to rider that the applicants shall not claim interest for the delayed period, in case their claim for enhancement is accepted in these appeals. Hence, following order:

ORDER

a. Civil Applications are allowed.

b. Delay of 2761 days caused in filing the First Appeals is hereby condoned subject to condition that the applicants file an undertaking with the Registrar (Judicial) of this Court that they shall not claim interest for the delayed period. Such an undertaking to be filed within a period of eight weeks from today. In case, applicants failed to comply condition regarding undertaking, the applications stand dismissed automatically without further reference to this Court.

c. First Appeals be registered.

d. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE