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

**947 CIVIL APPLICATION NO. 2175 OF 2022
IN FAST/25428/2021**

Suresh Devchand Gandhi And Ors

....Applicant

VERSUS

The State Of Maharashtra And Ors

.....Respondent

.....

Advocate for Applicant : Mr. Madhav K. Jadhav h/f. Mr. More Abhijit S.
AGP for Respondent Nos. 1 and 2: Mr. S.K. Shirse.

WITH

**CIVIL APPLICATION NO. 2176 OF 2022
IN FAST/25433/2021**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH FEBRUARY, 2024.

ORDER :-

By these applications, the applicants seek to condone the delay of 1420 days caused in filing the first appeal against the judgment and award dated 5.8.1997 passed by the Reference Court in LAR No. 118 of 2012.

2. The learned advocate for the applicants submit that the lands of the applicants have been acquired for irrigation project under the notification dated 24.7.1992. They lost their agricultural land. However, they were not adequately compensated. Therefore, proceeding

under Section 18 of the Land Acquisition Act was initiated. The applicants recorded adequate evidence in support of their claim before the Reference Court. However, meager enhancement is granted. It is further submitted that the applicants were facing huge financial crisis and even they were not properly advised. The learned counsel for the applicant invited attention of this Court to the reasoning in para. Nos. 2 to 4 of the application and submits that sufficient cause is made out to condone the delay.

3. Learned AGP however oppose the applications. None appears for the respondent Nos. 2 and 3 i.e. Acquiring Body. Learned AGP would submit that the reasons stated in the application do not constitute sufficient cause within the meaning of Section 5 of the Limitation Act.

4. Considering the fact that the applicants are agriculturists and they are fighting for just compensation towards their land and further reasons as given in para.2 and 3 of the application, sufficient cause is made out to condone the delay. In that view of the matter, it would be appropriate to condone the delay. However, the applicants shall not be entitled to claim interest for the delayed period and such affidavit is to be filed before the Registrar (Judicial) of this Court. Hence, the following order :-

O R D E R

[I] Civil applications are allowed.

[ii] Delay of 1420 days caused in filing the appeal is condoned subject to condition that the claimant shall not be entitled to claim interest for the delayed period and filed an undertaking to that

effect to the satisfaction of the Registrar (Judicial) of this Court.

[iii] Appeal be registered.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-