



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5996 OF 2019 IN FAST/31039/2018

Gurling Mahadu Hudge
VERSUS
The State Of Maharashtra And Another

AND

CIVIL APPLICATION NO. 5997 OF 2019 IN FAST/31031/2018

Sanjay Vaijinath Bawage (Died) Through Lrs Panchpulla
And Others
VERSUS
The State Of Maharashtra And Others

.....
Mr. Laxmikant C. Patil, Advocate for Applicants
Mr. R.B. Dhaware, AGP for Respondent No.1
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th DECEMBER, 2024

ORDER :

1. Heard.
2. These applications are filed for condonation of delay of 3804 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 20.02.1999, references were decided in the year 2008, claimants could 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 10 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 1996 and entire land of applicants is acquired, and though the Reference Court has passed the award in the year 2008, 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