



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

78 CIVIL APPLICATION NO. 14084 OF 2024  
IN FAST/250/2024

Bapurao Vithoba Madan

VERSUS

The Executive Engineer Mid Jalna And Ors

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Advocate for Applicant : Mr. Humbe Vilas M.

AGP for Respondents: Mr. D.B. Bhange

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 22, 2025

**PER COURT :-**

1. Heard Mr. Humbe, learned counsel appearing for the applicant.
2. The applicant seeks to condone the delay of 1550 days caused in filing the appeal.
3. Notice of this application is served upon respondent no.1. Learned AGP has already caused appearance for respondent nos.2 and 3.
4. Perusal of the application shows that applicant lost his agriculture land due to compulsory acquisition of the land. He instituted proceeding for grant of enhanced compensation under section 18 of the Land Acquisition Act, which has been partly allowed under the impugned award. The applicant is litigating for getting just enhanced compensation in this appeal. The applicant explains that he could not file the

appeal in time due to financial duress and only after getting some compensation amount as per the award passed by the Reference Court, he could arrange finance. It is apparent that delay is not intentional or the applicant is not benefited by making the delay. In that view of the matter, particularly, considering nature of the litigation, application can be allowed subject to certain conditions. Hence, following order.

### **ORDER**

- i. Civil application is allowed.
- ii. Delay of 1550 days delay caused in filing the appeal is condoned, subject to condition that the applicant files an undertaking to the satisfaction of the Registrar Judicial of this Court that he shall not claim interest and statutory benefit for the delayed period in case his appeal is allowed and adverse order is passed in appeal.
- iii. Undertaking to be filed within a period of eight weeks from today. Such undertaking shall be made part of the record of the first appeal.

**( S. G. CHAPALGAONKAR, J. )**

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