



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 6189 OF 2025
IN FAST/223/2013

SAKHARAM TULSHIRAM SURNAR

VERSUS

THE STATE OF MAH AND ORS

...

Mr. K. M. Nagarkar, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents-State

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 17.10.2025

PER COURT :-

1. This is an application seeking condonation of delay for 187 days caused in filing the present First Appeal.

2. The applicant submits that his source of earning and livelihood has been taken away due to compulsory acquisition of his property. That, very meager amount was awarded to the applicant by the Competent Authority. That even, the learned Reference Court has also not granted adequate enhancement to the applicant. Hence, present First Appeal is filed by the applicant. The applicant submits that he has filed the First Appeal as early as possible and delay in filing the First Appeal is not intentional or deliberate but it is accidental. The applicant submits that if the delay is condoned there is no

harm to the respondent-authority, but the delay is not condoned it would frustrate the very purpose of filing the First Appeal. With this, the applicant seeks condonation of delay caused in filing present appeal.

3. Per contra, the respondents oppose condonation of the delay, contending that the application and appeal are filed afterthought and they are filed with sole object to earn more money on sympathy.

4. Upon having heard the parties, I am of the considered view that enhancement by way of First Appeal is a statutory right of claimant. The farmers, whose agricultural land has been acquired, must get adequate opportunity to claim for adequate and proportionate enhancement in the compensation. For that, technicality of delay must not be a hurdle.

5. Profitable reference can be made to the judgment and order passed by the Supreme Court in the case of **Suresh Kumar Vs. State of Haryana and ors., (Civil Appeal arising out of (C) No.670/2020) and connected matters decided on 23.04.2025**. Their Lordships, after considering series of judgments, have observed in paragraph 11, as follows :-

“11. In all judgments referred supra, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land

they have lost.”

6. Thus, for the reasons stated above, I am inclined to condone the delay, caused in filing the First Appeal. Hence, following order:

- a. Delay of 187 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Registry to register the appeal, subject to removal of office objections, if any, by the applicant/appellant.

FIRST APPEAL STAMP NO.223 OF 2013

1. Heard.
2. **Admit.**
3. Learned AGP waives service of notice for respondent nos.1 and 2.
4. Print and paper book is dispensed with.

[AJIT B. KADETHANKAR, J.]