



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

86 CIVIL APPLICATION NO. 586 OF 2025
IN FAST/459/2025

SHESHRAO MAROTI SHELKE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR
NANDED AND ORS

...
Advocate for Applicant : Mrs. Anagha Pandit h/f Mr. Nagarkar Kiran M.
AGP for Respondents/State : Mr. V.S.Badakh
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : 28.03.2025

PER COURT :-

1. Heard learned Advocate appearing for applicants.
2. Applicants seek condonation of delay of 4280 days caused in filing appeal.
3. Learned Advocate appearing for applicants submits that initially applicants had filed a Writ Petition bearing No. 5423 of 2023 on 06.07.2020 which was registered on 12.05.2023. However, it came to be disposed off vide order dated 12.08.2024 as withdrawn with liberty to file First Appeal against order of reference Court dated 15.01.2013. She would submit that due to financial duress applicants could not take up appropriate remedy within stipulated time of limitation, as such, delay has been occasioned.
4. Learned AGP for respondent/State strongly opposes prayer contending that award is passed by Reference Court in the year 2013. There is no justification for not approaching Court till 2020. In absence of sufficient cause delay may not be condoned.
5. Having considered submissions advanced it could be observed that applicant No. 1 is aged about 75 years. His entire land is acquired. Reference Court partially enhanced compensation vide order dated 15.01.2013. Applicants state that they had no source of income for arranging requisite expenses.

Aforesaid statement in application is not controverted by respondents. Delay caused from 2020-2024 is well explained as a Writ Petition was filed against the impugned award. In result, application deserves to be allowed by putting certain conditions. Hence following order :

ORDER

- (i) The Civil Application is partly allowed.
- (ii) Delay of 4280 days caused in filing appeal is condoned subject to condition that applicants shall file undertaking/s that they shall not claim interest for period of delay period if the amount is enhanced in the appeal.
- (iii) Appeal be registered subject to removal of office objections, if any.
- (iv) The Civil Application stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/