



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

**43 CIVIL APPLICATION NO. 3945 OF 2024
IN FAST/774/2024**

KANU RAMDAS RATHOD DIED THR LRS GULAB KANU
RATHOD AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR JALNA AND ORS.

...

Advocate for Applicant : Mr. Kakde S.M.
AGP for Respondent Nos. 1 to 3 : Mr. V.S. Badakh

WITH

**CIVIL APPLICATION NO. 3946 OF 2024
IN FAST/771/2024**

LACHCHU RAMDAS RATHOD DIED THR LRS GULAB
KANU RATHOD AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR JALNA AND ORS.

...

Advocate for Applicant : Mr. Kakde S.M.
AGP for Respondent Nos. 1 to 3 : Mr. V.S. Badakh

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 23, 2025

PER COURT :-

1. Heard learned Advocate appearing for the
respective parties.

2. By this application, the applicants seek to condone
the delay caused in filing appeal against the award passed by
Reference Court under the provisions of Land Acquisition Act.

3. The applicants lost their lands on account of compulsory acquisition. They were granted inadequate compensation. Hence, filed reference under Section 18 of the Act. However, the Reference Court partly allowed their claim. Now, claimants are seeking further enhancement by filing this appeal.

4. Learned counsel appearing for applicants submits that the delay caused in filing appeal is unintentional. Because of financial duress, the applicants could not take steps for filing of appeal within limitation period. The reasons as stated in the application are not controverted by filing the affidavit-in-reply. It is true that the applicants have not explained the delay for each and every day but fact remains that they are litigating for getting just compensation towards acquired land. Considering nature of litigation, liberal approach has to be adopted while considering the prayer for condonation of delay. The interest of respondent / State can be protected by putting condition that applicant shall not claim interest and statutory benefit on enhanced compensation amount, if the appeal is favorably considered.

5. In that view of the matter, the case is made out to condone the delay. Hence following order:

ORDER

- i. The Civil Applications are allowed.
- ii. The delay caused in filing the appeal is hereby condoned subject to condition that applicants file an undertaking to Registrar

(Judicial) of this Court that they shall not claim interest and statutory benefit on the enhanced compensation amount in case, this Court favorably considers the present appeal.

iii. The applications stand disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE

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