



(1)

911-FA-2176-2009

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 FIRST APPEAL NO. 2176 OF 2009

State Of Maharashtra And Anr.

VERSUS

Vishnu Laxman Pawar

WITH

CIVIL APPLICATION NO. 2229 OF 2014

IN FA/2176/2009

WITH

CIVIL APPLICATION NO. 9927 OF 2025

IN X-OBJST/23622/2025

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Mr. R. B. Dhaware, AGP for Appellant-State.

Mr. M. L. Dharashive, advocate for the applicant in CA/2229/2014.

Mr. Mahesh S. Deshmukh h/f Mr. Umesh B. Gite, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 16th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocates for the respective parties.
2. This first appeal is arising out of Judgment and Award dated 1st August 2003, passed by the learned Civil Judge, Senior Division, Osmanabad in Land Acquisition Reference No. 23 of 1995 preferred by

Ethape

respondent – claimant.

3. The land of the respondent-claimant came to be acquired for Lower Terna Project of village Karadgaon, to the extent of 1H 37R. A notification under Section 4 of the Land Acquisition Act was issued on 24th November 1988. Award came to be passed on 31st March 1989. The learned SLAO granted total compensation of Rs.1,37,000/-. The learned Reference Court by way of impugned Award, enhanced the said compensation to Rs.5,21,900/-.

4. In view of the Government Resolution dated 3rd November 2016 and the Corrigendum dated 23rd February 2017, the Government has taken a policy decision not to prefer appeals in cases where the amount of enhancement of compensation is less than four times of the amount awarded by the learned SLAO. Where such appeals are preferred, the said appeals are to be placed before Lok Adalat and be disposed off by way of compromise.

5. This Court finds that, in view of the said policy, no purpose would be served by keeping the appeal pending. The first appeal is, therefore,

dismissed. No order as to costs.

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6. This civil application is filed for condonation of delay of 5720 days caused in preferring the Cross-Objection (Stamp) No.23622/2025.

7. The only reason given for delay is paucity of time as the applicant has become landless after acquisition of the land. The delay is more than 5000 days. This Court does not find any other reason mentioned in the application. The reason given is not sufficient to condone the delay. This Court finds that civil application deserves to be dismissed.

8. This Court in main first appeal has passed an order dated 29th July 2025 to list the first appeal on on board dated 9th September 2025 “for final hearing”. It is seen that it is only thereafter this application is filed on 1st August 2025. This Court thus finds that no bonafides are shown and with this reason also, this Court is not inclined to allow the application. With this, civil application stands dismissed. No order as to costs.

9. In view of dismissal of the first appeal, Intervention Application

does not survive and the same is also disposed off.

10. Pending Civil Applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]