



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

CIVIL APPLICATION NO. 4314 OF 2024
IN FAST/2452/2024

Kesarbai Shivaji Borade
VERSUS
The State Of Maharashtra And Ors.

Mr.B.S.Dhawale, Advocate for applicant
Mr.S.S.Dande, AGP for respondent nos.1 and 2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

The applicant/appellant is the claimant, whose land was acquired for construction of group percolation tank no.3 at village Ambhoda (Kadam), Tq. Mantha, Dist. Jalna. The applicant/appellant has preferred this appeal seeking enhancement of the compensation amount that was granted by learned 4th Jt. C.J.S.D., Jalna, in LAR No.111/2017, decided on 05.10.2019. There is delay of 476 days in filing the appeal.

2. The applicant submits that her source of earning and livelihood has been taken away due to compulsory acquisition of her property. That, meager amount was awarded to the applicant by the competent authority. Even, learned reference court has also not

granted adequate enhancement to the applicant/appellant. Hence, present First Appeal is filed by the applicant. However, due to lack of legal knowledge, general awareness of the proceedings and poor financial condition, despite a wish to get enhanced compensation, she could not approach for legal advice nor could she file present appeal well within the limitation or at the earliest thereafter. With this, the applicant seeks condonation of delay lodged in filing the present appeal.

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

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

5. A 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. For the reasons stated in the application and in the light of the decision in the case of **Suresh Kumar** (supra), I pass the following order:-

- (i) The Civil Application stands allowed. Delay of 1476 days, caused in filing the present First Appeal, stands condoned.
- (ii) Learned counsel for the applicant submits that the applicant/appellant shall not claim any interest or any compensation of whatever in nature, for the period of delay caused in filing the First Appeal.
- (iii) Office to register the First Appeal and shall issue notices to the parties, returnable after six weeks. Mr.Dande, learned AGP, waives notice for respondent nos.1 and 2.
- (iv) Office objections, if any, be removed within two weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP