



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 CIVIL APPLICATION NO. 6288 OF 2023
IN FAST/2520/2023

MAHADEO @ SUDHAKAR TUKARAM KADAM
VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

Mr. V. V. Ingale, Advocate for the Applicant
Mr. K. N. Lokhande, AGP for the Respondent/State

CORAM : R. M. JOSHI, J.
DATE : 11th AUGUST, 2025

PER COURT :-

1. Respondent No.2 is duly served. Absent.
2. This Application is for condonation of delay of 2834 days in filing the First Appeal against the statement and award passed in LAR No. 363/2009 dated 16/01/2015 for seeking enhancement of the compensation awarded by the Reference Court.
3. Learned Counsel for the Appellant, on instructions, makes statement that the Appellant will not claim any interest on the enhancement amount in this Appeal is granted till date of registration of Appeal i.e. interest from the date of judgment of the Reference Court till registration of the Appeal before this Court.

4. Learned AGP opposed the Application.

5. Perusal of the Application indicates that the Applicant has lost the land in compulsory acquisition. It is held by the Supreme Court from time and again that in case of compulsory acquisition, the delay needs to be condoned liberally though the interest part for such delay can be denied. Following the said principle Application stands allowed in terms of prayer clause 'B'. It is clarified that Appellant shall not be entitled for the interest on the enhance amount if any in this Appeal from the date of the judgment and award passed by the Reference Court till registration of the Appeal.

. Appeal be registered.

(R. M. JOSHI, J.)

ssp