



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

953 CIVIL APPLICATION NO. 2492 OF 2025  
IN FAST/18096/2000

PHULABAI GOPALSINGH RAJPUT DIED THR LRS SAGAR  
MOHANSINGH RAJPUT AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH SPECIAL LAND  
ACQUISITION OFFICER AURANGABAD

....

Mr. S. K. Adkine, Advocate for the Applicants  
Mr. K. K. Naik, AGP for the Respondent – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 07.03.2025

PER COURT :-

1. Heard Mr. Adkine, the learned counsel for the Applicants and the learned AGP, at length.
2. By the present Application, the Applicants prayed for condonation of 8526 days (more than 23 years) delay in filing Application for restoration of First Appeal Stamp No.18096 of 2000, which has been dismissed for non removal of office objections.

3. The learned counsel for the Applicants canvassed that the Respondent Authority acquired the land of Applicants for construction of Narangi medium project, Vaijapur and the Applicant's mother had preferred Reference under Section 18 of the Land Acquisition Act and claimed for enhancement of compensation. However, their mother died and they were not having knowledge of pendency of the Appeal. It is further canvassed that the said First Appeal Stamp No.18096 of 2000 came to be dismissed for non removal of office objections vide order dated 18.07.2001. The learned counsel for the Applicants canvassed in vehemence that the Applicants are ready and willing to remove office objections, hence prayed for condonation of delay of 8526 days caused while lodging the Application for restoration of appeal.

4. The learned AGP strongly resisted the Application on the ground that the Applicants have not explained the inordinate delay of 8526 days and no cogent and substantial reasons have been assigned, hence prayed for rejection of the Application.

5. It is trite settled principle of law that the litigants should not be deprived from receiving the substantial justice on the technical

ground. No doubt, causing of delay for filing the proceedings may be the technical ground, however on the other hand, the litigants should be vigilant over their right. No doubt, in the case of ***Rafiq and Anr. Vs. Munshilal and Anr, AIR 1981 SC 1400***, the litigant should not be suffered for the act of the lawyer, however, in case-in-hand, it *prima-facie* appears that as per the order passed by the Registrar of this Court, the registration of the First Appeal came to be refused on 18.07.2001. Thereafter, on 28.01.2025 i.e. after lapse of more than 13 years, the Applicants have filed the present Application for condonation of delay in filing Application for restoration of the Appeal. The Applicants have not assigned any reason which prevented them from filing such application within the reasonable time. Therefore, I do not find that this case is fit and proper to condone the inordinate delay of 8526 days caused in filing the Application for restoration.

6. In view of the above discussion, I am not inclined to grant the present Application. Accordingly, the Civil Application is hereby dismissed.

[ Y. G. KHOBRADE, J. ]