

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2838 OF 2024
IN FAST/3023/2024 WITH
CIVIL APPLICATION NO. 2839 OF 2024
IN FAST/3025/2024 WITH
CIVIL APPLICATION NO. 2840 OF 2024
IN FAST/3027/2024

Vithal Dadarao Barsale

VERSUS

The State Of Maharashtra Through The Collector Parbhani And Ors.

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Advocate for Applicant : Mr. Bhise Vitthal Dnyanoba

AGP for Respondent/State : Mr. D.B. Bhange

Advocate for Respondent No.3 : Mr. V.D. Patnurkar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 09, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. The applicant seeks to condone delay of 3029 days caused in filing appeals against award passed by the Reference Court under provisions of Land Acquisition Act.
3. Perused the applications and reasons as stated therein. According to applicants, delay is occasioned on account of financial difficulties.
4. Mr. Patnurkar, learned advocate appearing for respondent relying upon affidavit in reply vehemently opposed to condone delay. According to him, applicants have received compensation amount in the year 2016. They were having sufficient funds to file appeal in

case they were really aggrieved by the award. Except the reason for financial difficulties, no other reason is mentioned in the applications and therefore, according to Mr. Patnurkar, sufficient cause is made out and applications are liable to be dismissed.

5. Having considered submissions advanced, it appears that there is no proper explanation for delay. However, the applicants have lost their agricultural lands due to compulsory acquisition and they have constitutional right under Article 300-A to receive just compensation towards same. Therefore, if the applicant is pursuing to get just compensation or seeking relief against State in view of his constitutional right, some latitude is required to be given in favour of applicants. Recently, the Hon'ble Supreme Court of India in case of *Suresh Kumar Vs. State of Haryana and Ors.*¹ has observed that in such cases, delay can be condoned if the applicant waives interest and statutory benefits for the period of delay.

6. In that view of matter, applications are allowed, subject to cost of Rs.5,000/- each with further condition that they shall file undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall not claim interest and statutory benefit for the period of delay. Undertaking to be filed within a period of eight weeks from today.

1 2025 INSC 550.

7. Cost to be deposited with High Court Bar Library within same period. On aforesaid compliance, appeals be registered subject to removal of other office objections.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//