



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

CIVIL APPLICATION NO. 1670 OF 2024
IN FAST/3708/2024

Deepak Kakasaheb Jadhav And Ors
VERSUS
The State Of Maharashtra Through Collector Jalna

Mr.S.K.Adkine, Advocate for applicants
Mr.S.S.Dande, AGP For respondent nos.1 and 3
Mr.S.C.Arora, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 21.01.2010, passed by learned Adhoc Dist. Judge No.1, Jalna in LAR No.432/1997, the applicants/claimants have lodged the First Appeal, seeking enhancement in the compensation granted by the reference court.

2. Learned counsel for the applicants submits that there is delay of 5031 days in filing the appeal. He submits that the applicants are poor farmers Their source of earning and livelihood has been taken away due to compulsory acquisition of their property. That, meager amount was awarded to the applicants by the competent authority. Even, learned reference court has also not granted adequate

enhancement to the applicants/appellants. With this, the applicants seeks condonation of delay lodged in filing the present appeal.

3. Mr.Arora, learned counsel for the acquiring body, although opposes the application, however, fairly submits that if the claimants refrain from claiming interest for the delay period, the acquiring body would meet the challenges made in the appeal on its own merits.

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 5031 days, caused in filing the present First Appeal, stands condoned.

(ii) Learned counsel for the applicants submits that the applicants/appellants 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 3. Mr.Arora, learned waives notice for respondent no.2.

(iv) Office objections, if any, be removed within two weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP