



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7344 OF 2024  
IN  
FIRST APPEAL (STAMP) NO.4224 OF 2024

Asaram Mahadeo Choure & Ors.

...Applicants

**Versus**

The State of Maharashtra,  
Through the Collector Beed & Ors.

...Respondents

WITH  
CIVIL APPLICATION NO.7345 OF 2024  
IN  
FIRST APPEAL (STAMP) NO.4228 OF 2024

WITH  
CIVIL APPLICATION NO.7346 OF 2024  
IN  
FIRST APPEAL (STAMP) NO.4234 OF 2024

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Adv. Dattatraya R. Jayabhar for Applicants.

Adv. D. B. Bhange, AGP for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR

DATE : 2<sup>nd</sup> JANUARY 2025

P.C.:-

CIVIL APPLICATION NO.7344 OF 2024:-

1. Heard Mr. Jayabhar, learned Advocate appearing for Applicants and learned AGP for Respondent No.1.

2. Inspite of service of notice, none appears for Respondent No.2.

3. Applicants seeks to condone the delay of 541 days caused in filing first appeal against judgment and award dated 12<sup>th</sup> May 2022 passed by Civil Judge Senior Division at Ambajogai, District Beed. Mr. Jayabhar submits that land of the Applicants have been acquired under award dated 20<sup>th</sup> March 2006. Applicants had approached the Reference Court under Section 18 of Limitation Act, seeking enhancement of compensation. Although their claim is accepted to certain extend, no compensation is paid towards fruit bearing trees. He submits that the delay caused in filing appeal is unintentional and because of the financial difficulties faced by Applicants.

4. Learned AGP opposes the application saying that the reasons are not adequate to constitute sufficient cause within the meaning of Section 5 of Limitation Act.

5. Having considered submissions advanced, it is apparent that Applicants are litigating for just compensation of the acquired land. Although their claim is partly allowed by Reference Court, no compensation is awarded towards fruit bearing trees. Applicants have explained the reasons for delay in paragraphs 6, 7 and 8. The averments in the application are not controverted by filing Affidavit-in-reply. As such there is no impediment in condoning the delay.

6. Consequently, application is allowed. The delay caused in filing the appeal is condoned. Appeal be registered subject to removal of office objections.

(S. G. CHAPALGAONKAR, J.)