



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 236 OF 2025

ASARAM MAHADEO CHOURE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR BEED AND ORS.

...

Mr. D. R. Jayabhar, Advocate for Appellants
Mr. D. B. Bhange, AGP for Respondent-State
Mr. R. A. Tambe, Advocate for Respondent No.2

...

WITH
CIVIL APPLICATION NO. 7345 OF 2024 IN FAST/4228/2024
WITH

CIVIL APPLICATION NO. 7346 OF 2024 IN FAST/4234/2024

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 05th FEBRUARY, 2025

ORDER :-

IN FIRST APPEAL NO. 236 OF 2025

1. First Appeal is adjourned to 05.03.2025.

DELAY APPLICATIONS

1. Heard Mr. Jayabhar, learned Advocate appearing for appellants and learned AGP for Respondent No.1.
2. Mr. Tambe, learned counsel 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 12th May, 2022 passed by Civil Judge Senior Division at Ambajogai, District Beed. Mr. Jayabhar submits that land of the Applicants has been acquired under award dated 20th 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, applications are allowed. The delay caused in filing the appeal is condoned. Appeals be registered subject to removal of office objections.

7. On registration, issue notice to respondents returnable on 05.03.2025. Learned AGP waives for respondent No.1. Mr. Tambe learned advocate waives for respondent No. 2.

8. Call for Record and Proceeding.

9. Stand over to 05.03.2025.

(S. G. CHAPALGAONKAR, J.)