



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

992 CIVIL APPLICATION NO. 4971 OF 2025
IN FAST/5274/2025

BHAGIRTHIBAI PANDURANG GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA THR. THE COLLECTOR, OSMANABAD
AND ORS

...

Mr. A. R. Barate, Advocate for Applicant

Mr. S. V. Hange, AGP for Respondents-State

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

1. Heard Mr. Barate, learned counsel for the applicant and Mr. Hange, learned AGP for the respondent/State. Respondent no.3, though served, has not caused appearance.

2. This is an application seeking condonation of delay for 3219 days caused in filing the present First Appeal.

3. The applicant submits that her source of earning and livelihood has been taken away due to compulsory acquisition of her property. That, very meager amount was awarded to the applicant by the Competent Authority. That even, the learned Reference Court has also not granted adequate enhancement to the applicant. Hence, present First Appeal is filed by the applicant. However, due to lack of legal

knowledge, general awareness of the proceedings and poor financial conditions despite a wish to get enhanced compensation, she could not approach for legal advice, nor could she file the present appeal well within limitation or at the earliest thereafter. The applicant submits that she is in financial crisis due to Covid-19 situation. With this, the applicant seeks condonation of delay caused in filing present appeal.

4. Per contra, the respondents oppose condonation of the delay, contending that the application and appeal are filed afterthought and they are filed with sole object to earn more money on sympathy.

5. Upon having heard the parties, I am of the considered view that enhancement by way of First Appeal is a statutory right of claimant. The applicant, whose land has been acquired, must get adequate opportunity to claim for adequate and proportionate enhancement in the compensation. For that, technicality of delay must not be a hurdle.

6. 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.”

7. Thus, for the reasons stated above, I am inclined to condone the delay, caused in filing the First Appeal. Hence, following order:

- a. Delay of 3219 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Registry to register the appeal, subject to removal of office objections, if any, within two weeks from today.
- d. Applicant shall not claim any benefit or statutory interest for the delayed period.

FIRST APPEAL STAMP NO.5274 OF 2025

1. After registration, the First Appeal be **admitted**.
2. Learned AGP waives service of notice for respondent nos. 1 and 2.
3. Call Record and Proceeding.

[AJIT B. KADETHANKAR, J.]