



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

**CIVIL APPLICATION NO. 8630 OF 2023
IN RC/960/2013**

Pundlik Mahajan Malshete And Others

VERSUS

The State Of Maharashtra And Others

...

Mr. K. M. Nagarkar, Advocate for Applicants

Mr. S. S. Dande, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 14TH OCTOBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and award dated 09.11.2011, passed by the learned Jt. Civil Judge, Senior Division, Kandhar in Land Acquisition Reference No.307 of 2003 (New) and Land Acquisition Reference No.599 of 1997 (Old), the claimants have preferred the present First Appeal.

2. Mr. K. M. Nagarkar, learned Advocate for the claimants would submit that there is delay of 394 days caused in filing the First Appeal. He would submit that the claimants are poor persons whose properties have been acquired by the Acquiring Body under compulsory acquisition. Mr. Nagarkar, learned Advocate would submit that considering the social and financial status of the applicants, they need to be heard on

merits in the First Appeal. He would further submit that it is not a case that the delay is resulted out of any lethargy or negligence on the part of the applicants. He would submit that the applicants are ready to give up the claim for interest for the delayed period. In view of this, he would submit that the delay be condoned and the First Appeal be registered for hearing on its own merit.

3. Mr. S. S. Dande, learned AGP would fairly submit that appropriate order be passed in Civil Application.

4. It seems that respondent no.3 though served, has not marked his presence today.

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 farmers, whose agricultural 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:

ORDER

- a. Civil Application stands allowed.
- b. Delay of 394 days caused in filing the First Appeal is hereby condoned.
- c. Appellants/Applicants shall not claim any interest and statutory benefit for the delayed period.
- d. Appellants to remove all the office objections, if any, within six weeks from today.
- e. Registry to register the appeal, subject to removal of office objections within six weeks from today.
- f. Civil Application stands disposed of.

FIRST APPEAL ST. NO.9389 OF 2013

- . Heard.
2. **Admit.**
3. Call Record and Proceedings.
4. Mr. S. S. Dande, learned AGP waives service of notice for respondent nos.1 and 2.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025