



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 6051 OF 2024 IN FAST/10046/2024

Yusufkhan Sikandar Khan Pathan

VERSUS

The State Of Maharashtra Through The Collector Beed And Anr

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Advocate for Applicant : Mr. Bhise Raghvendra Diliprao

AGP for Respondents: Mr. D B Bhange

Advocate for Respondent 2 : Mr. R C Bora h/f H.P. Jadhav

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 16, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The applicant seeks to condone the delay of 2505 days caused in filing the appeal against the impugned judgment award passed by the Reference Court.
3. Learned advocate appearing for the applicant submits that the applicant is a small land holder and his land has been acquired under the award for Minor Irrigation Tank. He was inadequately compensated. Hence, preferred Reference under section 18 of the Land Acquisition Act, which has been partly allowed. He is not satisfied with the compensation awarded. It is further submitted that the applicant is a rustic person, residing in remote area and unaware about the procedure. The delay is not intentional.

4. Learned advocates appearing for the respondents strongly opposes the prayer contending that explanation offered cannot be termed as 'sufficient cause.'

5. Admittedly, applicant is litigating for the just compensation towards acquired land. He is agriculturist residing in remote area and not conversant with the procedure under law. Although, delay cannot be said to be explained for each and every day, considering the nature of dispute between parties and explanation tendered, sufficient cause is made out to condone the delay, however, subject to condition that the applicant shall not claim interest for the delayed period, in case his prayer for enhancement of the compensation is positively considered in the appeal. Hence, following order.

ORDER

- i. Application is allowed.
- ii. The delay caused in filing appeal is hereby condoned subject to condition that the applicant tenders an undertaking addressed to the Registrar (Judicial) of this Court that he shall not claim interest and other statutory benefits for the delayed period, in case his appeal is favorably considered. Undertaking be filed within a period of (8) eight weeks from today.
- iii. Civil application stands **disposed off**.
- iv. Appeal be registered subject to removal of the office objections.

(S. G. CHAPALGAONKAR, J.)