



23-sr.971, 986 and 987.odt

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

971 CIVIL APPLICATION NO. 12135 OF 2023
IN FAST/25968/2023

The State Of Maharashtra Thr The Collector Latur And Ors
VERSUS
Laxman Digamber Mahindrakar, Deceased Thr Hs Lrs Padmabai Mahindrakar And Ors

WITH

CIVIL APPLICATION NO. 12136 OF 2023
IN FAST/25968/2023

WITH

CIVIL APPLICATION NO. 12137 OF 2023
IN FAST/25971/2023

WITH

CIVIL APPLICATION NO. 12138 OF 2023
IN FAST/25971/2023

986 CIVIL APPLICATION NO. 10189 OF 2023
IN FAST/11779/2023

The State Of Maharashtra Through The Collector Latur And Others
VERSUS
Syed Samad Abdul Kadar

WITH

CIVIL APPLICATION NO. 10190 OF 2023
IN FAST/11779/2023

987 CIVIL APPLICATION NO. 10204 OF 2023
IN FAST/12118/2023

The State Of Maharashtra Thr The Collector Latur And Others
VERSUS

Syed Naiyyum Abdul Khadar WITH
CIVIL APPLICATION NO. 10205 OF 2023
IN FAST/12118/2023

Mr.S.S.Dande, AGP for applicants

CORAM : AJIT B. KADETHANKAR, J.

DATE : SEPTEMBER 18, 2025

ORDER :-

Being aggrieved by the judgment and award dated 16.01.2020, passed by learned C.J.S.D., Udgir, the applicants/appellants have preferred present First Appeals. These are applications for condonation of delay ranging between of 265 and 296 days. The applicants seeks condonation of delay on the explanation expressed in the application.

2. The applicants/appellants submit that they are public/Government body and there are various processes in filing an appeal in the court. That, the administrative exigency in obtaining various approvals as also requisite funds/court fees consumes much time, which results into such delay. The applicants further submit that the delay caused in filing the appeals is neither deliberate nor willful nor outcome of any lethargy on the part of any authority. That, valuable interest/right of the applicants/appellants are involved in the matter. The applicants/appellants are the custodian of the funds. The applicants undertake to deposit the award amount within twelve weeks. It is further submitted that for the reasons stated above, the applicants seeks condonation of delay with a prayer to adjudicate the appeal on its merits.

3. Per contra, the respondents, vehemently, oppose the applications and submits that this is an attempt to harass the respondents. The respondents further submits that for the lapses and laches of the applicants/appellants, the respondents must not suffer. With this, the respondents seek rejection of the application.

4. Upon having heard both the parties, I am of the considered view that the administrative exigencies as explained by the applicant generally do result in delay in filing the First Appeals. Its apparent that the delay caused in filing present appeal is a big enough requiring the Court to apply judicious mind cautiously to use the discretion to condone the delay. The parameters to use such discretion are set by various verdicts of the Honorable Supreme Court as also by this Court in various cases.

5. A profitable reference can be made to the Judgment & Order passed by the Honorable Supreme Court in the case of Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]. Honorable Supreme Court was dealing with an Appeal wherein High Court's order condoning delay of 479 days caused in filing a First Appeal by the Government against a Judgment & Award passed in Land Acquisition Reference was under challenge.

6. Considering the overall law prevailing in the field of 'condonation of delay in appeals filed by the Government bodies and Authorities', the Honorable Supreme Court approved the view adopted by the High Court to condone the delay.

7. In the present case firstly, the object in challenging the impugned Judgment & Award is averred not only to save the public funds, but to object unjust and irrational consideration rendered by the Ld. Trial Court excepting the concept of 'Just & Fair Compensation'. Secondly, if the appeal is heard on its own merit it would lead to substantial justice. For the delayed period, the charge of interest on the award amount is also running. As such the interest of the claimants is protected enough. Rather if the delay is not condoned, it would result into miscarriage of justice. In the present case, the Appellant has even deposited substantial portion of the Award in the Court which is even withdrawn by the claimant side. Thirdly, the applicant/Appellant has sufficiently and properly explained the delay although not day-to-day. In my considered opinion, present case is squarely covered by the law laid down in "Sheo Raj case" (Supra) wherein it is held that, length of delay is not decisive in such cases where delay is properly explained.

8. For the reasons stated above, I am of the pragmatic view that by using the judicial discretion, delay in filing present First Appeal deserves to be condoned.

9. Hence I pass following order:-

(i) The delay in filing the First Appeals stands condoned. The applications stand allowed.

(ii) The Registry to register the appeals, subject to removal of the office objections, if any, by the applicants/appellants. On registration, issue notices to the respondents.

(iii) The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

Applications for Stay :-

10. Being aggrieved by the judgment and award dated 16.01.2020, passed by learned C.J.S.D., Udgir, the applicants/appellants have preferred present First Appeals. This applications are for grant of stay.

2. The applicants submits that there is strong hope of success in the appeals. That, during pendency of the First Appeals, if execution and operation of the impugned judgment and award is not stayed, the very purpose of the appeal shall stand frustrated.

3. Considering this, execution and operation of the impugned judgment and award is stayed till returnable date, on condition that the appellants deposit the entire payable decretal award amount in this court within a period of twelve weeks from today.

4. Issue notice to the respondents. Learned AGP waives notice for respondent-State authorities.

5. The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

[AJIT B. KADETHANKAR, J.]

KBP