

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7448 OF 2024
IN FAST/11243/2024

Ramchandra Nivrutti Mundhe

VERSUS

The State Of Maharashtra Thr. The Collector Latur

...

Advocate for Applicant : Mr. H. B. Nandagavale

AGP for Respondent/State : Mr. D.B. Bhange

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 09, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. The applicant seeks to condone delay of 5404 days caused in filing appeal against award passed by the Reference Court under provisions of Land Acquisition Act.
3. Perused the application and reasons as stated therein. According to applicant, delay is occasioned on account of financial difficulties.
4. Learned AGP appearing for State vehemently opposed to condone delay as there is inordinate delay in filing appeal.
5. Having considered submissions advanced, it appears that there is no proper explanation for delay. However, the applicant has lost his agricultural land due to compulsory acquisition and he has constitutional right under Article 300-A to receive just compensation towards same. Therefore, if the applicant is pursuing to get just

(2)

compensation or seeking relief against State in view of his constitutional right, some latitude is required to be given in favour of applicant. Recently, the Hon'ble Supreme Court of India in case of ***Suresh Kumar Vs. State of Haryana and Ors.***¹ has observed that in such cases, delay can be condoned if the applicant waives interest and statutory benefits for the period of delay.

6. In that view of matter, application is allowed. Delay of 5404 days caused in filing appeal is condoned, subject to cost of Rs.5,000/- with further condition that applicant shall file undertaking to the satisfaction of Registrar (Judicial) of this Court that he shall not claim interest and statutory benefit for the period of delay. Undertaking to be filed within a period of eight weeks from today.

7. Cost to be deposited with High Court Bar Library within same period. On aforesaid compliance, appeals be registered subject to removal of other office objections.

(S.G. CHAPALGAONKAR, J.)