



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

CIVIL APPLICATION NO. 6046 OF 2025
IN FAST/13460/2025

Bhagirathibai W/o Rambhau Yadav Died Through Rambhau Died
Through Vasant And Others
VERSUS

The Stare Of Maharashtra
Through District Collector, Collector Office, Beed

Ms.Tanvi Jadhav, Advocate for applicants
Mr.S.S.Dande, AGP for respondent no.1
Mr.V.C.Solshe, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

Being aggrieved by the judgment and award dated 23.10.2023, passed by learned C.J.S.D., Ambajogai in LAR No.45/2006, the applicants/appellants have preferred present First Appeal. This is an application for condonation of delay of 459 days. The applicants seek condonation of delay on the explanation expressed in the application.

2. The applicants submit that their source of earning and livelihood has been taken away due to compulsory acquisition of their property. That, meager amount was awarded to the applicants by the competent authority. Even, learned reference court has also not

granted adequate enhancement to the applicants/appellants. Hence, present First Appeal is filed by the applicants. However, due to lack of legal knowledge, general awareness of the proceedings and poor financial condition, despite a wish to get enhanced compensation, they could not approach for legal advice nor could he file present appeal well within the limitation or at the earliest thereafter. With this, the applicants seek condonation of delay lodged in filing the present appeal.

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

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

5. A 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.”

6. For the reasons stated in the application and in the light of the decision in the case of **Suresh Kumar** (supra), I pass the following order:-

(i) The Civil Application stands allowed. Delay of 459 days, caused in filing the present First Appeal, stands condoned.

(ii) Learned counsel for the applicants submits that the applicants/appellants shall not claim any interest or any compensation of whatever in nature, for the period of delay caused in filing the First Appeal.

(iii) Office to register the First Appeal and shall issue notices to the parties, returnable after six weeks. Mr.Dande, learned AGP, waives notice for respondent no.1 and Mr.V.C.Solshe, learned counsel waives notice for respondent no.2.

(iv) Office objections, if any, be removed within two weeks from today.

(v) The matter be listed after service of notice is complete. In the meantime, applicant/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