



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

**CIVIL APPLICATION NO.9286 OF 2025 (CA for L.Rs.)
IN FIRST APPEAL ST.14009/2023**

Ramdas Bhanudas Markad, died,
through L.Rs.

VS.

State of Maharashtra and ors.

Mr.Ajit Kale, Advocate for applicants - claimants

Mr.S.S.Dande, AGP for respondent nos.1 and 2

Mr.S.W.Munde, Advocate for respondent no.3 – acquiring body

WITH

**CIVIL APPLICATION NO. 5753 OF 2023 (CA for delay condonation)
IN FAST/14009/2023**

WITH

**CIVIL APPLICATION NO. 9288 OF 2025
IN FAST/14009/2023**

WITH

**CIVIL APPLICATION NO. 9286 OF 2025
IN FAST/14009/2023**

WITH

**CIVIL APPLICATION NO. 5754 OF 2023
IN FAST/14009/2023**

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

CA/9286/2025

This is an application moved by the legal representatives of
the deceased – Ramdas Bhanudas Markad. Mr.A.B.Kale, learned

counsel for the applicants, submits that claimant - Ramdas died on 05.07.2020, i.e. after passing of the impugned judgment and award. It is further submitted that the appeal is wrongly presented by the acquiring body in the name of deceased claimant. Mr.A.B.Kale, learned counsel, now, prays for direction to the appellant/acquiring body to incorporate the name of applicant in the capacity of legal representatives of deceased - Ramdas. He would further submit that there is delay of 1056 days in bringing the legal representatives on record. He would further submit that the right of the claimant to receive the compensation has been assessed in favour of the present applicants - legal representatives of deceased claimant. In view of this, he prays for allowing the application.

2. Mr.Suresh Munde, learned counsel for the appellant, places his no objection to allow this application.

3. In view of the above, the Civil Application is allowed. Delay in bringing the legal representatives of deceased claimant - Ramdas stands condoned. The appellant to amend the title clause of the appeal and application therein, within one week, thereby incorporating the names of present applicants in the capacity of legal representatives of deceased Ramdas. The Civil Application stands disposed of accordingly.

C.A. NO.5753/2023 (Condonation of delay):-

4. Feeling aggrieved by the judgment and award dated 21.06.2017, passed by learned Civil Judge Senior Division, Bhoom, Dist. Osmanabad, the acquiring body has presented the First Appeal. Since there is delay of 2008 days in filing the appeal, present application is filed for condonation of delay.

5. 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 applicant further submit that the delay caused in filing the appeal 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. It is further submitted that for the reasons stated above, the applicant seeks condonation of delay with a prayer to adjudicate the appeal on its merits.

6. Per contra, the respondents, vehemently, oppose the application and submits that this is an attempt to harass the

respondents. The respondents further submits that for the lapses and latches of the applicants/appellants, the respondents must not suffer. With this, the respondents seek rejection of the application.

7. 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.

8. 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.

9. 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.

10. 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. 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.

10. 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.

11. Hence I pass following order:-

(i) The delay of 2008 days in filing the First Appeal stands condoned. The application stands allowed.

(ii) The Registry to register the appeal, subject to removal of the office objections, if any, by the applicants/appellants. On registration, issue notice to the respondents, returnable after six weeks. Mr.A.B.Kale, learned counsel, waives notice for respondents - claimants.

(iii) 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.

12. Remaining matters be listed on 09.10.2025.

[AJIT B. KADETHANKAR, J.]

KBP