



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

**CIVIL APPLICATION NO. 5719 OF 2024
IN FAST/14205/2024**

Sundarbai Kerba Gadhwe And Anr

VERSUS

The State Of Maharashtra Through Dist. Collector Nanded
And Ors

...

Ms. Anagha Pandit h/f Mr. K. M. Nagarkar, Advocate for
Applicants

Mr. S. V. Hange, AGP for Respondents-State

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and award dated 05.10.2021, passed by the learned Civil Judge, Senior Division, Mukhed, in L.A.R. No.510 of 2007 (New) 23 of 2007 (old), the original claimants have lodged present First Appeal seeking enhancement of the compensation in the award amount.

2. This is an application seeking condonation of delay of 626 days caused in filing present First Appeal.

3. The applicants submit that their source of earning and livelihood has been taken away due to compulsory acquisition

of their property. That, very meager amount was awarded to the applicants by the Competent Authority. That even, the learned Reference Court has also not granted adequate enhancement to the applicants. 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 they file the present appeal well within limitation or at the earliest thereafter. With this, the applicants seek condonation of delay caused in filing present appeal.

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

5. Upon having heard the parties, I am of the considered view that enhancement by way of First Appeal is a statutory right of claimant. The farmers, whose agricultural land has been acquired, must get adequate opportunity to claim for adequate and proportionate enhancement in the

compensation. For that, technicality of delay must not be a hurdle.

6. 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.”

7. Thus, for the reasons stated above, I am inclined to condone the delay, caused in filing the First Appeal. Hence, following order:

ORDER

- a. Delay of 626 days caused in filing First Appeal is hereby condoned.
- b. Appellants/Applicants shall not claim any interest and statutory benefit for the delayed period.
- c. Applicants to remove all the office objections, if any within two weeks from today.

- d. Civil Application stands allowed.
- e. Registry to register the appeal, subject to removal of office objections by the applicants/appellants within two weeks from today.

FIRST APPEAL

- . Issue notice to the respondents, returnable on 16.10.2025. Learned AGP waives service of notice for respondents-State.
- 2. Admit.
- 3. Call Record and Proceeding.

(AJIT B. KADETHANKAR, J.)