



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 5750 OF 2024
IN FAST/14295/2024

BANKAT ANANDA SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, LATUR AND ANR

WITH

CIVIL APPLICATION NO. 5751 OF 2024
IN FAST/14297/2024

DATTATRAY BANKAT SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, LATUR AND ANR

WITH

CIVIL APPLICATION NO. 5752 OF 2024
IN FAST/14276/2024

BABRUWAN BANKAT SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, LATUR AND ANR

...

Mr. S. S. Chillarge, Advocate for Applicants

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

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.09.2025

PER COURT :-

1. These First Appeals are filed by the claimants, challenging enhancement granted by the learned Reference Court in the respective Land Acquisition References as mentioned below:

C.A. No.	First Appeal No.	L.A.R. No.	Days of delay	Authority
5750 OF 2024	14295/2024	638 of 2010	2907	Learned Civil Judge, Senior Division, Udgir, Delivered on 25.02.2016
5751 OF 2024	14297/2024	635 of 2010		
5752 OF 2024	14276/2024	633 of 2010		

2. These are the Civil Applications seeking condonation of delay of 2907 days caused in filing the respective First Appeals.

3. Notices were issued to the respondents. Learned AGP Mr. Hange, appears for respondent nos.1 and 2.

4. 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 Appeals are filed by the applicants. However, due to lack of legal knowledge, general awareness of the proceedings and poor financial conditions 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 the respective First Appeals.

5. 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.

6. 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.

7. 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.”

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

ORDER

a. Delay of 2907 days, caused in filing the respective First Appeals is hereby condoned.

- b. Civil Applications stand allowed.
- c. Registry to register the appeals, subject to removal of office objections, if any, within four weeks from today, failing to which the registration of the First Appeal stands canceled.
- d. Applicants shall not claim any benefit or statutory interest for the delayed period.

FIRST APPEAL STAMP NO.14295/2024

FIRST APPEAL STAMP NO.14297/2024

FIRST APPEAL STAMP NO.14276/2024

- 1. Heard.
- 2. **Admit.**
- 3. Issue notice to the respondents, returnable on 21.11.2025.
Learned AGP waives service of notice for respondent nos.1 and 2.
- 4. The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.
- 5. Call Record and Proceeding.

[AJIT B. KADETHANKAR, J.]