



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 5737 OF 2024
IN FAST/14387/2024

RAJBA DEVRAO RATHOD DIED THR. LRS RAMKABAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, DIST. LATUR AND
ANR

WITH
CIVIL APPLICATION NO. 5739 OF 2024
IN FAST/14307/2024

PANDU SHIVRAM RATHOD DIED THR. LRS. TULSABAI DIED THR LRS.
TUKARAM RATHOD AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR, LATUR AND ANR

WITH
CIVIL APPLICATION NO. 5740 OF 2024
IN FAST/14375/2024

SITARAM PANDU RATHOD
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, DIST. LATUR AND
ANR

WITH
CIVIL APPLICATION NO. 5741 OF 2024
IN FAST/14381/2024

RAMU PIRAJI RATHOD DIED THR. LRS RENUKA AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, DIST. LATUR AND
ANR

WITH
CIVIL APPLICATION NO. 5738 OF 2024
IN FAST/14385/2024

VISHWANATH BABU RATHOD AND ANR
VERSUS
 THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, DIST. LATUR AND
 ANR

WITH
 CIVIL APPLICATION NO. 5742 OF 2024
 IN FAST/14389/2024

RAGUNATH TUKARAM SONKAMBLE
VERSUS
 THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, DIST. LATUR AND
 ANR

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Mr. S. S. Chillarge, Advocate for Applicants
 Mr. S. S. Dande, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR, J.
 DATE : 26.09.2025

PER COURT :-

1. All the 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
5737 OF 2024	14387/2024	1658 of 2010	4453	Learned Civil Judge, Senior Division, Udgir, Delivered on 01.12.2011
5738 OF 2024	14385/2024	1662 of 2010		
5739 OF 2024	14307/2024	1657 of 2010		
5740 OF 2024	14375/2024	1660 of 2010		
5741 OF 2024	14381/2024	2376 of 2010		
5742 OF 2024	14389/2024	1659 of 2010		

2. These are the Civil Applications seeking condonation of delay of 4453 days caused in filing the respective First Appeals.

3. Notices were issued to the respondents. Learned AGP Mr. Hange, appears for respondent nos.1. Although respondent no.2 has been served, nobody appears today on behalf of respondent no.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 4453 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.14387/2024
FIRST APPEAL STAMP NO.14385/2024
FIRST APPEAL STAMP NO.14307/2024
FIRST APPEAL STAMP NO.14375/2024
FIRST APPEAL STAMP NO.14381/2024
FIRST APPEAL STAMP NO.14389/2024

- 1. Heard.
- 2. **Admit.**
- 3. Issue notice to the respondents, returnable on 21.11.2025.
Learned AGP waives service of notice for respondent no.1.
- 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.]