



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

CIVIL APPLICATION NO. 6712 OF 2024
IN FAST/14519/2024

Raosaheb Tukaram Bedre
VERSUS
The State Of Maharashtra Through Its Collector Latur And Anr

Mr.S.S.Halkude, Advocate for applicant
Mr.S.S.Dande. AGP for respondent no.1
Mr.Vinod Patil, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Being aggrieved by the judgment and award dated 15.04.2008, passed by learned Civil Judge, Senior Division, Ahmedpur, Dist. Udgir in LAR No.399/2007, the applicant/appellant has preferred present First Appeal. This is an application for condonation of delay of 5778 days. The applicant seeks condonation of delay on the explanation expressed in the application.

2. Learned counsel for the applicant submits that the applicant is poor farmer. His 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. With this, the applicants seeks condonation of delay lodged in filing the present appeal.

3. Mr.Vinod Patil, learned counsel for the acquiring body, although opposes the application, however, fairly submits that if the claimants refrain from claiming interest for the delay period, the acquiring body would meet the challenges made in the appeal on its own merits.

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 5778 days, caused in filing the present First Appeal, stands condoned.
- (ii) Learned counsel for the applicant submits that the applicant/appellant 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.Vinod Patil, learned counsel waives notice for respondent no.2.
- (iv) Office objections, if any, be removed within two weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP