



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10070 OF 2024
IN
FIRST APPEAL (STAMP) NO.17022 OF 2024

Prabhu Manik Hangarge & Ors.

...Applicants

Versus

The State of Maharashtra,
Through District Collector, Latur & Ors.

...Respondents

WITH
CIVIL APPLICATION NO.10065 OF 2024
IN
FIRST APPEAL (STAMP) NO.16870 OF 2024

Adv. Vijay G. Sakolkar for Applicants.

Adv. D. B. Bhange, AGP for Respondent-State.

CORAM : S. G. CHAPALGAONKAR

DATE : 2nd JANUARY 2025

P.C.:-

1. Heard Mr. Sakolkar, learned Advocate appearing for Applicants.

2. In both the applications, Applicants seeks to condone the delay of 1851 days caused in filing first appeal. Mr. Sakolkar submits that Applicants have lost their land due to compulsory acquisition. They were not adequately compensated. Hence, reference under Section 18 of the Land Acquisition Act was filed. Reference is partly

allowed. Hence, present appeal is filed seeking enhancement of compensation. He would submit that in pursuance of award dated 2nd February 2019, Respondents deposited compensation amount sometimes in May 2024 and same has been now received by the Applicants. He would submit that Applicants were facing financial problem and were not well advised, as such the delay caused in filing the appeal is unintentional. Pleadings in the application are uncontroverted. Applicant No.1 has further given undertaking that he will not claim interest for delayed period, in case the favourable order of enhancement of compensation is passed in the appeal. In light of pleadings in application and undertaking, case is made out to condone the delay. However, subject to certain conditions. Hence, following order is passed:-

ORDER

- (i) Applications are allowed.
- (ii) Delay of 1851 days caused in filing the appeal is hereby condoned, subject to condition that Applicants filed undertaking to Registrar of this Court that they shall not claim the interest for delayed period, in case the compensation amount is enhanced in this appeal.
- (iii) The undertaking shall be filed within a period of six weeks from today.

(iv) Applications stand disposed of.

(S. G. CHAPALGAONKAR, J.)