



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

964 CIVIL APPLICATION NO. 7651 OF 2025
IN FAST/19042/2025

Shaikh Chand Shaikh Lal
VERSUS
The State Of Maharashtra Through The Collector Jalna And Ors.

Mr.P.A.Bhosle, Advocate for applicant
Mr.S.S.Dande, AGP for respondents

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

Being aggrieved by the judgment and award dated 16.04.2019, passed by learned Jt. C.J.S.D., Jalna, in L.A.R. No.69 of 2011, original claimant has lodged First Appeal seeking enhancement. The appeal is delayed by 2168 days and with the explanation given in paragraphs 2 to 4 in the application, learned counsel for the applicant seeks condonation of delay.

2. Mr.S.S.Dande, learned AGP for respondent nos.1 to 3, raises objection about the delayed period and prayer that appropriate order may be passed.

3. 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.

4. 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.”

5. 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 2168 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. Learned AGP, waives notice for respondent nos.1 to 3.

(iv) Office objections, if any, be removed within two weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP