



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

912 CIVIL APPLICATION NO. 8631 OF 2021
IN FAST/20112/2020

DYANESHWAR S/O ATMARAM BABARE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

...
Advocate for Applicant : Mr. D. M. Pingale.
AGP for Respondent Nos.1 & 2 : Mr. D. J. Patil.
Advocate for Respondent No.3 : Mr. Sudhir Govind Bhalerao.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 21st January, 2025.

P.C.:

. Heard the learned counsel for the parties.

2 This is an application for condonation of delay of 3115 days caused in filing the first appeal.

3 The learned counsel for the applicants pointed out that the applicants are agriculturists and not educated. They are not having knowledge of the law. They are financially poor. Therefore, they could not approach the Court. He further submits that in similarly situated cases, the amount of compensation is enhanced by this Court. Therefore, this matter is covered under the principle of parity.

4 The learned AGP and the learned counsel for the acquiring body strongly oppose the application. It is lastly prayed to reject the application.

5 Considering the law laid down by the Honourable Supreme Court in the cases of ***Imrat Lal and others Vs. Land Acquisition Collector and others***, reported in, ***(2014) 14 Supreme Court Cases 133***, and ***New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal Heir and another***, reported in, ***2022 SCC OnLine SC 1599***, the application deserves to be allowed in the interest of justice, though there is delay of 3115 day without awarding costs. Hence, the delay stands condoned. The application is allowed. Appeal be registered.

Appeal:

6 Issue notice to the respondents. The learned AGP waives notice on behalf of respondent Nos.1 and 2. Mr. Bhalerao, learned counsel waives notice on behalf of respondent No.3.

7 The record and proceedings be called for.

8 Stand over to 4th March, 2025.

[SANJAY A. DESHMUKH, J.]