



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

**CIVIL APPLICATION NO. 9492 OF 2025
IN X-OBJST/20190/2025**

Pratap Tukaram Patil And Ors

VERSUS

The State Of Maharashtra Through The Collector Latur And
Anr

...

Mr. H. B. Nandagavale, Advocate for Applicants

Mr. D. J. Patil, AGP for Respondent-State

Ms. Kalpalata Patil Bharaswadkar, Advocate for Respondent
no.2

WITH

**CIVIL APPLICATION NO. 9511 OF 2025
IN X-OBJST/20184/2025**

Dhiraj Dattatraya Bagdure And Ors

VERSUS

The State Of Maharashtra Through The Collector Latur And
Ors

WITH

**CIVIL APPLICATION NO. 9513 OF 2025
IN X-OBJST/20195/2025**

Sugreev Maruti Biradar And Ors

VERSUS

The State Of Maharashtra Through The Collector Latur And
Anr

...

CORAM : SANJAY A. DESHMUKH, J.

DATED : 18th NOVEMBER, 2025

PER COURT :-

1. These are the applications seeking condonation of delay of 5712 days caused in filing Cross Objections.
2. Perused the application. Heard learned Advocates for both the sides.

3. Learned AGP appearing for respondent-State strongly opposed the application and submitted that the delay of more than 16 years is caused in filing Cross Objections and prayed to reject the applications as the delay is not properly explained.

4. Learned Advocate Ms. Kalpalata Patil Bharaswadkar, for respondent no.2 strongly opposed the application and pointed out that the appeals were filed in 2009, however, the Cross Objections are filed now.

5. Learned Advocate for the applicants is relying upon the judgment of ***Suresh Kumar Vs. State of Haryana & Ors*** arising out of SLP (C) No.670 of 2020, dated 23.04.2025, in which, the Hon'ble Supreme Court in paragraph no.10, 11 & 12, held as under:

“10. In Executive Enginner, Nimna Dudhna Project Selu, District Parbhani, Maharashtra v. State of Maharashtra & Ors., this Court held that the Body acquiring land cannot be saddled with the liability of paying interest for the period of delay in preferring the appeals. The order of the High Court, which granted interest also for five and half years' delay, was modified to such an extent that interest shall not be payable for delay.

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.

12. *This Court has noticed that in **Delhi Air Tech Services Pvt. Ltd. v. State of U.P. & Anr.**, with reference to **Coffee Board, Karnataka, Bangalore v. Commission of Commercial Tax, Karnataka** that while the State has the power of eminent domain, the owner of a land can only be divested thereof in accordance with the procedure established by law after appropriately compensating them. This is in view of Article 300 A and 31A of the Constitution of India.”*

6. Considering the reasons stated in the applications, it appears that the delay is not caused because of the conduct of the applicants. This being the fact, the applications deserve to be allowed in the interest of justice as the delay is not deliberately caused by the applicants. Hence, following order:

ORDER

- a. Civil Applications are allowed.
- b. Delay of 5712 days caused in filing present First Appeals is hereby condoned.
- c. It is clarified that the applicants shall not be entitled for the interest and statutory benefit for the period of delay of 5712 days.
- d. Civil Applications are disposed of.

CROSS OBJECTIONS AND FIRST APPEALS

. Stand over to 05.12.2025 for final hearing.

(SANJAY A. DESHMUKH, J.)