



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 10406 OF 2025
IN FAST/21357/2025**

Sheshrao S/o Mukundrao Chavan Since Died Through Lrs
Annasaheb S/o Sheshrao Chavan And Anr.,

VERSUS

The State Of Maharashtra Through Collector, Jalna And
Others

...

Mr. A. H. Koralkar, Advocate for Applicants

Mr. S. S. Dande, AGP for respondents-State

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

1. This is an application seeking condonation of delay of 4002 days caused in filing present First Appeal.

2. Issue notice to the respondents. Mr. S. S. Dande waives service of notice for all respondents.

3. Feeling aggrieved by the judgment and award dated 02.05.2014, passed by 2nd Joint Civil Judge, Senior Division, Jalgaon in L.A.R. No.811 of 2010, the original claimants have preferred present First Appeal.

4. It is submitted that the appeal is beyond limitation. Hence, present Civil Application is moved by the claimants.

5. Mr. A. H. Koralkar, learned Advocate for the applicants demonstrates the justifiable reasons for causing the delay

which are mentioned from paragraph nos.2 to 5 of the Civil Application.

6. Per contra, the respondents oppose condonation of the delay, contending that the application and appeal are filed afterthought and they are filed with sole object to earn more money on sympathy.

7. Upon having heard the parties, I am of the considered view that enhancement by way of First Appeal is a statutory right of claimant. The farmers, whose agricultural land has been acquired, must get adequate opportunity to claim for adequate and proportionate enhancement in the compensation. For that, technicality of delay must not be a hurdle.

8. 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.”

9. Thus, for the reasons stated above, I am inclined to condone the delay, caused in filing the First Appeal. Hence, following order:

ORDER

- a. Delay of 4002 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Registry to register the appeal, subject to removal of office objections, if any, by the applicants/appellants.
- d. Applicant/Appellants shall not claim any statutory benefit or interest for the period of delay.

FIRST APPEAL ST. NO.21357 OF 2025

- . Heard.
2. Issue notice to the respondents. Learned AGP waives service of notice for all the respondents.
3. Admit.
4. Call Record and Proceeding.

(AJIT B. KADETHANKAR, J.)