



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

**CIVIL APPLICATION NO. 10215 OF 2025
IN FAST/21614/2025**

Shivaji Namdeo Rathod And Anr

VERSUS

The State Of Maharashtra Through The Collector Jalna And
Ors

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Mr. D. M. Pingale, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

. This is an application seeking condonation of delay of 1144 days that has occurred in challenging the judgment and award dated 26.10.2021, passed by the 4th learned Joint Civil Judge, Senior Division, Jalna in Land Acquisition Reference No.144of 2019. The appeal and applications are moved by the claimants seeking enhancement in the compensation.

2. The applicants submit that their source of earning and livelihood has been taken away due to compulsory acquisition of their property. That, very meager amount was awarded to the applicants by the Competent Authority. That even, the learned Reference Court has also not granted adequate

enhancement to the applicants. Hence, present First Appeal is filed by the applicants. However, due to lack of legal knowledge, general awareness of the proceedings and poor financial conditions despite a wish to get enhanced compensation, they could not approach for legal advice, nor could he file the present appeal well within limitation or at the earliest thereafter. With this, the applicants seek condonation of delay caused in filing present appeal.

3. 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.

4. 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.

5. 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.”

6. 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 1144 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Appellants to remove all office objections, if any, within two weeks from today. Failing to which, the registration of appeal shall stand cancelled.

- d. Registry to register the appeal, subject to removal of office objections, if any, by the applicant/appellant.
- e. Leave to correct prayer clause.

FIRST APPEAL

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

(AJIT B. KADETHANKAR, J.)