



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

68 CIVIL APPLICATION NO. 13004 OF 2024
IN FAST/24201/2024

RAMKRISHAN BABARAO GAWALI

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD,
AND ORS

...

Ingale Vivekanand V, Advocate for Applicant

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

Mr. P. S. Koshti, Advocate for Respondent Nos.3 to 6

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 15th SEPTEMBER 2025

PER COURT :-

1. This is an application seeking condonation of delay for 391 days caused in filing the present First Appeal.
2. The applicant submits that his source of earning and livelihood has been taken away due to compulsory acquisition of his property. That, very meager amount was awarded to the applicant by the Competent Authority. That even, the learned Reference Court has also not granted adequate enhancement to the applicant. Hence, present First Appeal is filed by the applicant. However, due to lack of legal knowledge, general awareness of the proceedings and poor financial

conditions despite a wish to get enhanced compensation, he could not approach for legal advice, nor could he file the present appeal well within limitation or at the earliest thereafter. With this, the applicant seeks 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:

- a. Delay of 391 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Applicant shall not claim any benefit or statutory interest for the delayed period.
- d. Registry to register the appeal, subject to removal of office objections, if any, by the applicant/appellant within two weeks from today.

7. On registration of the appeal, issue notice to the respondents. Learned AGP waives service of notice for respondent no.1. Learned Advocate Mr. Koshti waives service of notice for respondent nos.4 to 6.

[AJIT B. KADETHANKAR, J.]