



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

**CIVIL APPLICATION NO. 13273 OF 2024
IN FAST/24350/2024**

Tukaram S/o Sakharam Rathod Died Thr. Lrs Sonabai W/o
Tukaram Rathod And Ors

VERSUS

The State Of Maharashtra Through The Collector Latur And
Ors.

...

WITH

**CIVIL APPLICATION NO. 13274 OF 2024
IN FAST/24380/2024**

Khirubai W/o Fakhru Rathod Died Thr. Lrs. Tanaji S/o Fakhru
Rathod

VERSUS

The State Of Maharashtra Through The Collector Latur And
Ors.

...

Adv. V. G. Sakolkar And Adv. H. B. Nandagavale, Advocate for
Applicant

Adv. V. S. Badakh, AGP for Respondents-State

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 15TH APRIL, 2025

PER COURT :-

1. Heard Mr. Nandagavale, learned Advocate appearing for the applicant.
2. Applicant seeks to condone the delay of 4125 days caused in filing appeals.

3. Learned AGP appearing for respondent filed affidavit-in-reply and strongly opposed the application.

4. Mr. Nandgavale, submits that although, the impugned award was passed in the year 2013, the compensation amount has been released in favour of applicants, sometimes in July, 2024. Applicants lost their lands and they were under financial duress.

5. In this background, the appeals are filed only after receipt of compensation amount as per the impugned award.

6. Learned AGP submits that this would not be the ground to condone inordinate delay caused in filing appeals.

7. Having considered submissions advanced, it can be observed that the applicants lost their lands due to compulsory acquisition and they were mainly dependent upon agricultural income. In this background, it can be accepted that they were under financial duress and could not have arranged Court fees and expenses for filing appeals. The contention of the applicants is that they have received compensation sometimes in July, 2024, is not seriously disputed by the respondents. In this background, considering the nature of litigation, delay can be condoned by putting

certain conditions. Hence, following order:

ORDER

- i. Civil Applications are partly allowed.
- ii. Delay of 4125 days caused in filing appeals is condoned, subject to condition that applicants file an undertaking to Registrar (Judicial) of this Court stating that he/they shall not claim interest and statutory benefit on enhanced compensation amount, in case their appeals are favourably considered.
- iii. In addition to that, applicants shall deposit the cost of Rs.2,000/- (Two thousand rupees) each with Bar Library, Advocates Association of Bombay High Court, Bench At Aurangabad within period of eight weeks from today.
- iv. Civil Applications are allowed and **disposed** of in aforesaid terms.

(S. G. CHAPALGAONKAR, J.)