



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 10734 OF 2024
IN FAST/25326/2024

Ramesh Laxmikant Deshpande

VERSUS

The State Of Maharashtra Through The Collector Jalna And
Ors.

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Advocate for Applicant : Mr. Digraskar Padmakar D

AGP for Respondents: Mr. V S Badakh

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 28, 2025

PER COURT :-

1. Heard Mr. Digraskar, learned advocate appearing for the applicant.
2. The applicant seeks to condone the delay of 790 days caused in filing the appeal.
3. In spite of service of notice of this application, none appears for respondent no.2/Acquiring body.
4. Learned AGP opposes the application.
5. Mr. Digraskar, points out that land of the applicant has been acquired vide notification dated 17.02.2010. The applicants were inadequately compensated hence, reference under section 18 of the Act was made. However, reference Court also failed to consider evidence on record and granted inadequate compensation. He submits that due to financial

difficulties and health issues of the applicant, the appeal could not be filed in time.

6. Averments in the application are not controverted by filing the affidavit in reply.

7. Considering nature of the litigation and fact that applicant is litigating for getting just compensation towards acquired land, delay deserves to be condoned. However, subject to condition that the applicant files an undertaking to the satisfaction to the Registrar Judicial of this Court that he shall not claim interest or statutory benefit for delayed period in case his appeal is favourably considered. Undertaking to be filed within a period of 8 weeks from today. CA stands disposed off. On filing the undertaking, appeal be registered.

(S. G. CHAPALGAONKAR, J.)

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