



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

928 CIVIL APPLICATION NO. 11416 OF 2023
IN FAST/27268/2023

Jagannath Janardhan Sarode
VERSUS
The State Of Maharashtra, Through Dist. Collector, Jalna And Ors

AND
929 CIVIL APPLICATION NO. 11417 OF 2023
IN FAST/27282/2023

Prakash Nanasaheb Ganage
VERSUS
The State Of Maharashtra, Through Dist. Collector, Jalna And Ors

AND
930 CIVIL APPLICATION NO. 11418 OF 2023
IN FAST/27276/2023

Sangita Jaganath Sarode
VERSUS
The State Of Maharashtra, Through Dist. Collector, Jalna And Ors

AND
931 CIVIL APPLICATION NO. 11419 OF 2023
IN FAST/27271/2023

Rameshwar Janardhan Sarode
VERSUS
The State Of Maharashtra, Through Dist. Collector, Jalna And Ors

AND
932 CIVIL APPLICATION NO. 11420 OF 2023
IN FAST/27264/2023

Prabhakar Janardhan Sarode
VERSUS
The State Of Maharashtra, Through Dist. Collector, Jalna And Ors

AND
934 CIVIL APPLICATION NO. 15355 OF 2023
IN FAST/37966/2023

Kisan Sambhaji Haral And Anr
VERSUS
The State Of Maharashtra Through The Collector Beed And Anr

Mr.S.R.Shirssath, Advocate for applicants
Mr.S.V.Hange, AGP for respondent - State

CORAM : AJIT B. KADETHANKAR, J.

DATE : SEPTEMBER 12 2025

ORDER :-

Being aggrieved by the judgment and award dated 18.10.2016, passed by learned 4th Jt. Civil Judge, Senior Division, Jalna ,the applicants/appellants, have preferred present First Appeals. This is an application for condonation of delay of 2408 days. The applicants seeks condonation of delay on the explanation expressed in the applications.

2. The applicants submit their source of earning and livelihood has been taken away due to compulsory acquisition of their properties. That, meager amount was awarded to the applicants by the competent authority. Even, learned reference court has also not granted adequate enhancement to the

applicants/appellants. Hence, present First Appeals are filed by the applicants. However, due to the lack of legal knowledge, general awareness of the proceedings and poor financial condition, despite a wish to get enhanced compensation, they could not approach for legal advice nor could they file present appeals well within the limitation or at the earliest thereafter. With this, the applicants seek condonation of delay lodged in filing the present appeals.

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

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

5. A 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. For the reasons stated in the application and in the light of the decision in the case of **Suresh Kumar** (supra), I pass the following order:-

- (i) The Civil Applications stand allowed. Delay of 2408 days, caused in filing the present First Appeals, stand condoned.
- (ii) Learned counsel for the applicants submits that the applicants/appellants shall not claim any interest or any compensation of whatever in nature, for the period of delay caused in filing the First Appeals.
- (iii) Office to register the First Appeals and shall issue notices to the parties, returnable after six weeks. Learned AGP, waives notice for State authorities.
- (iv) Office objections, if any, be removed within two weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP