



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12916 OF 2024
IN FAST/26179/2024

Kerba Laxman Burkul-bhurkal

VERSUS

The State Of Maharashtra, Through Collector, Latur And Ors
WITH

CIVIL APPLICATION NO. 12917 OF 2024
IN FAST/26189/2024

Tirupati Ramrao Dhage And Ors

VERSUS

The State Of Maharashtra Through Collector, Latur And Ors

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Mr. V. G. Sakolkar And Mr. H. B. Nandagavale, Advocate for
Applicants

Mr. S. S. Dande, AGP for Respondent-State

Mr. P. R. Tandale, Advocate for Respondent no.3

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CORAM : AJIT B. KADETHANKAR.

DATED : 16TH SEPTEMBER, 2025

ORDER :-

. Both the first appeals are filed by the claimants for
enhancement in the award granted by the learned Reference
Court in the respective Land Acquisition References as
mentioned below:

C.A. No.	First Appeal St. No.	L.A.R. No.	Days of delay	Decision Date	Authority
12916/2024	26179/2024	06/2012	4382	15.06.2012	Ld. Civil Judge, Senior Division, Ahmedpur, Latur
12917/2024	26189/2024	04/2012	4382	15.06.2012	

2. The respective 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 Appeals are filed by the applicants. However, due to 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 the present appeals well within limitation or at the earliest thereafter. With this, the applicants seek condonation of delay caused in filing present appeals.

3. Per contra, the respondent-State has filed its reply affidavit to oppose the Civil Application.

4. The respondent/Acquiring Body through learned Advocate Mr. P. R. Tandale adopts the same objection raised by the respondent-State.

5. 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.

6. 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.”

7. Thus, for the reasons stated above, I am inclined to condone the delay, caused in filing the First Appeals. Hence, following order:

ORDER

- a. Delays caused in filing First Appeals are hereby condoned.
- b. Appellants/Applicants shall not claim any interest and statutory benefit for the delayed period.
- c. Civil Applications stand allowed.
- d. Registry to register the appeals, subject to removal of office objections, if any, by the applicants/appellants within two weeks from today.

FIRST APPEAL

. Subject to removal of all office objections, issue notice to the respondents, returnable on 14.10.2025. Learned AGP waives service of notice for respondents-State. Mr. P. R. Tandale, learned Advocate waives service of notice for respondent no.3.

2. Call Record and Proceeding.

(AJIT B. KADETHANKAR, J.)