



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

**CIVIL APPLICATION NO. 10425 OF 2025
IN FAST/27547/2025 (DELAY)**

Bhagwat S/o Nagan Singde Died Through Lrs Pushpabai W/o
Bhagwat Shingade And Another

VERSUS

The State Of Maharashtra Through Collector, Latur

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Mr. H. B. Nandagavale, Advocate for Applicants

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

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CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

. Leave to correct the prayer clause. This is an application seeking condonation of delay of 3935 days caused in filing present First Appeal.

2. Issue notice to the respondent. Learned AGP waives service of notice for all respondents.

3. Feeling aggrieved by the judgment and award dated 26.08.2014, passed by the learned Jt. Civil Judge, Senior Division, Udgir, Dist. Latur in L.A.R. No.93 of 2011, the original claimant have lodged present appeal.

4. The 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 Appeal is 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 appeal well within limitation or at the earliest thereafter. With this, the applicants seek condonation of delay caused in filing present appeal.

5. Per contra, the respondents oppose condonation of the delay, contending that the applications and appeals are filed afterthought and they are filed with sole object to earn more money on sympathy.

6. 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.

7. 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.”

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

ORDER

- a. Delay of 3935 days caused in filing First Appeal is hereby condoned.
- b. Appellants/Applicants shall not claim any interest and statutory benefit for the delayed period.
- c. Civil Application stands allowed.

d. Registry to register the appeal, subject to removal of office objections and payment of deficit Court fees by the applicants/appellants within two weeks from today.

FIRST APPEAL ST. NO.27547 OF 2025

. Issue notice to the respondents. Learned AGP waives service of notice for all respondent.

2. Admit.

3. Call Record and Proceeding.

4. Print and paper book dispensed with.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025