



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

**47 CIVIL APPLICATION NO. 11744 OF 2024 IN
FAST/28407/2024**

Poona Poora Chavhan And Ors

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors.

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Advocate for Applicants : Mr. D S Mali

AGP for Respondents: Mr. D B Bhange

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 16, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The applicant seeks to condone the delay of 2073 days caused in filing the appeal against the impugned judgment award passed by the Reference Court.
3. Learned advocate appearing for the applicants submits that applicants are small land holders and their lands have been acquired under the award for the purpose of rehabilitation of earth quake affected persons. There were inadequately compensated. Hence, preferred Reference under section 18 of the Land Acquisition Act, which has been partly allowed. They are is not satisfied with the compensation awarded. It is further submitted that applicants are farmers, residing in remote area and unaware about the procedure. They could not manage funds for filing the appeal. The delay is not intentional.

4. Learned AGP appearing for the respondents strongly opposes the prayer contending that explanation offered cannot be termed as 'sufficient cause.'

5. Admittedly, applicants are litigating for the just compensation towards their acquired land. They are agriculturists residing in remote area and not conversant with the procedure under law. Although, delay cannot be said to be explained for each and every day, considering nature of the dispute between parties and explanation tendered, sufficient cause is made out to condone the delay, however, subject to condition that applicant shall not claim interest for the delayed period, in case their prayer for enhancement of the compensation is positively considered in the appeal. Hence, following order.

ORDER

- i. Application is **allowed**.
- ii. The delay caused in filing appeal is hereby condoned subject to condition that applicants tenders undertaking addressed to the Registrar (Judicial) of this Court that they shall not claim interest and other statutory benefits for the delayed period, in case their appeal is favorably considered. Undertaking be filed within a period of (8) eight weeks from today.
- iii. Civil application stands **disposed off**.
- iv. Appeal be registered subject to removal of the office objections.

(S. G. CHAPALGAONKAR, J.)

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