



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

**CIVIL APPLICATION NO. 14065 OF 2024
IN FAST/30275/2024**

Suryabhan Nivratti Wagalgave And Ors
VERSUS
The State Of Maharashtra Through Collector Latur And Ors

...

**WITH
CIVIL APPLICATION NO. 14067 OF 2024
IN FAST/30279/2024**

Dagadu Vithal Hake
VERSUS
The State Of Maharashtra Through Collector Latur And Ors

...

**WITH
CIVIL APPLICATION NO. 14066 OF 2024
IN FAST/30282/2024**

Waman Vithal Hake
VERSUS
The State Of Maharashtra Through The Collector Latur And Ors

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Adv. H. B. Nandagavale And Adv. V. G. Sakolkar, Advocate for Applicant

Adv. V. S. Badakh, AGP for Respondents-State

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 15TH APRIL, 2025

PER COURT :-

1. Heard Mr. Nandagavale, learned Advocate appearing for the applicant.

2. Applicant seeks to condone the delay of 3542 days caused in filing appeals.

3. Learned AGP appearing for respondent filed affidavit-in-reply and strongly opposed the application.

4. Mr. Nandgavale, submits that although, the impugned award was passed in the year 2014, however, the applicants have yet not received the compensation amount. Applicants lost their lands and they were under financial duress.

5. In this background, the appeals are filed only after receipt of compensation amount as per the impugned award.

6. Learned AGP submits that this would not be the ground to condone inordinate delay caused in filing appeals.

7. Having considered submissions advanced, it can be observed that the applicants lost their lands due to compulsory acquisition and they were mainly dependent upon agricultural income. In this background, it can be accepted that they were under financial duress and could not have arranged Court fees and expenses for filing appeals. The contention of the applicants is that they have not received the compensation amount, is not seriously disputed by the respondents. In this background, considering the nature of

litigation, delay can be condoned by putting certain conditions. Hence, following order:

ORDER

- i. Civil Applications are partly allowed.
- ii. Delay of 3542 days caused in filing appeals is condoned, subject to condition that applicants file an undertaking to Registrar (Judicial) of this Court stating that he/they shall not claim interest and statutory benefit on enhanced compensation amount, in case their appeals are favourably considered.
- iii. In addition to that, applicants shall deposit the cost of Rs.2,000/- (Two thousand rupees) each with Bar Library, Advocates Association of Bombay High Court, Bench At Aurangabad within period of eight weeks from today.
- iv. Civil Applications are allowed and **disposed** of in aforesaid terms.

(S. G. CHAPALGAONKAR, J.)