



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

CIVIL APPLICATION NO. 14004 OF 2024
IN FAST/31205/2024

Abdul Rashid Khudboddin
VERSUS
The State Of Maharashtra Through The Collector Latur And Ors.

Mr.S.S.Chillarge, Advocate for applicant
Mr.S.S.Dande, AGP For respondent nos.1 and 3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 12.05.2022, passed by learned Joint C.J.S.D., Udgir in LAR No.330/2015, the applicant/claimant has lodged the First Appeal, seeking enhancement in the compensation granted by the reference court.

2. Learned counsel for the applicants submits that there is delay of 824 days in filing the appeal. He submits that the applicant is poor farmer. His source of earning and livelihood has been taken away due to compulsory acquisition of their property. That, meager amount was awarded to the applicant by the competent authority. Even, learned reference court has also not granted adequate enhancement to the applicant/appellant. With this, the applicant seeks condonation

of delay lodged in filing the present appeal.

3. 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.

4. 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.”

5. 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 Application stands allowed. Delay of 824 days, caused in filing the present First Appeal, stands condoned.

(ii) Learned counsel for the applicant submits that the applicant/appellant shall not claim any interest or any compensation of whatever in nature, for the period of delay caused in filing the First Appeal.

(iii) Office to register the First Appeal and shall issue notices to the parties, returnable after six weeks. Mr.Dande, learned AGP, waives notice for respondent nos.1 and 3.

(iv) Office objections, if any, be removed within two weeks from today.

6. The appeal is admitted. Learned AGP waives notice for respondent nos.1 and 3.

7. Office objections be removed within two weeks, failing which the matter shall stand dismissed automatically without reference to the court.

[AJIT B. KADETHANKAR, J.]

KBP