



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

**CIVIL APPLICATION NO. 1633 OF 2025
IN FAST/35428/2024**

Jaysing Thansing Girase (died) Thr. Lrs Kavita Harsing Girase
And Ors

VERSUS

The Collector, Dhule And Ors

...

Mr. A. B. Kale, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR.

DATED : 16TH SEPTEMBER, 2025

ORDER :-

. Present First appeal is filed by the claimant for enhancement in the award granted by the learned Reference Court dated 21.11.2019, in L. A. R. No.126 of 2014, passed by learned Civil Judge Senior Division, Dhule.

2. 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.

3. 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.

4. 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.

5. 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.”

6. 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 1766 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. Applicants to pay the deficit Court fees within two weeks from today. Failing to which, this order shall loose its effect automatically and the application shall stand rejected.
- d. Civil Application stands allowed.
- e. 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

. 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.

2. Call Record and Proceeding.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025