



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

**CIVIL APPLICATION NO. 2334 OF 2025
IN
FIRST APPEAL STAMP NO. 35451 OF 2024**

Sopan Shripati Thorat
Since deceased through his L.Rs.
Kishor Sopanrao Thorat and others .. Applicants
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**WITH
CIVIL APPLICATION NO. 2335 OF 2025
IN
FIRST APPEAL STAMP NO. 35502 OF 2024**

Balkrushna Jaywant Kurhat .. Applicant
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2336 OF 2025
IN
FIRST APPEAL STAMP NO. 35503 OF 2024**

Vitthal Nana Punde
Since deceased through his L.Rs.
Machindra Vithal Punde .. Applicant
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2337 OF 2025
IN
FIRST APPEAL STAMP NO. 35505 OF 2024**

Machhindra Chandrabhan Honde .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2343 OF 2025
IN
FIRST APPEAL STAMP NO. 35455 OF 2024

Gorakhnath Bhikaji Sonar @
Udawan Since deceased through his
L.Rs. Ushabai Sudhakar Dahale
and others .. Applicants

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2344 OF 2025
IN
FIRST APPEAL STAMP NO. 35453 OF 2024

Sumanbai Gangadhar Ghadge .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2345 OF 2025
IN
FIRST APPEAL STAMP NO. 35461 OF 2024

Kashinath Bhikaji Udawan
Since deceased through his L.Rs.
Babasaheb Kashinath Udawan
and others .. Applicants

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2346 OF 2025
IN
FIRST APPEAL STAMP NO. 35459 OF 2024

Santosh Dattatray Pund and another .. Applicants
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2347 OF 2025
IN
FIRST APPEAL STAMP NO. 35457 OF 2024

Shaikh Amin Karimbhai W/o
Shaikh Ajim Karimbhai .. Applicant
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2350 OF 2025
IN
FIRST APPEAL STAMP NO. 35482 OF 2024

Trimbak Thamaji Pund
Since deceased through his L.Rs.
Mhatardev Trimbak Pund and others .. Applicants
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2351 OF 2025
IN
FIRST APPEAL STAMP NO. 35480 OF 2024

Ashok Gorakshnath Honde and others .. Applicants
Versus
The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2352 OF 2025
IN
FIRST APPEAL STAMP NO. 35468 OF 2024

Suryabhan Malhari Todmal
Since deceased through his L.Rs.
Laxmibai Suryabhan Todmal and others .. Applicants

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2353 OF 2025
IN
FIRST APPEAL STAMP NO. 35494 OF 2024**

Namdeo Jaywant Kurhat .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2354 OF 2025
IN
FIRST APPEAL STAMP NO. 35496 OF 2024**

Chandrabhagabai Bhikaji Kharde .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2355 OF 2025
IN
FIRST APPEAL STAMP NO. 35498 OF 2024**

Nivrutti Maruti Honde .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2356 OF 2025
IN
FIRST APPEAL STAMP NO. 35500 OF 2024**

Rajendra Nivrutti Honde .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2357 OF 2025
IN
FIRST APPEAL STAMP NO. 35484 OF 2024

Kisan Chandrabhan Honde .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2358 OF 2025
IN
FIRST APPEAL STAMP NO. 35486 OF 2024

Bhagwat Gangaram Pawar
Since deceased through his L.Rs.
Laxman Bhagwat Pawar and others .. Applicants

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2359 OF 2025
IN
FIRST APPEAL STAMP NO. 35492 OF 2024

Chandrabhan Malhari Todmal .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

CIVIL APPLICATION NO. 2360 OF 2025
IN
FIRST APPEAL STAMP NO. 35463 OF 2024

Dattatraya Baburao Pund .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

**CIVIL APPLICATION NO. 2361 OF 2025
IN
FIRST APPEAL STAMP NO. 35465 OF 2024**

Shaikh Ajj Karimbhai .. Applicant

Versus

The State of Maharashtra through
Collector Ahmednagar and another .. Respondents

Mrs. Manjushri V. Narwade, Advocate for the Applicants in all matters.

Shri S. V. Hange, A.G.P. for the Respondent No. 1 in all matters.

Shri S. S. Dande, Advocate for the Respondent No. 2 in all matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 29TH NOVEMBER, 2025.

FINAL ORDER :

. Heard both sides.

2. Applicants are praying for condonation of delay of 4528 days caused in preferring first appeals.

3. Learned counsel Mrs. Manjushri Narwade for the applicants submits that by common judgment 120 references were decided by the Reference Court. The claimants have preferred appeals for the enhancement. Out of them in thirty nine matters delay was condoned by the Coordinate Bench vide order dated 15th December, 2021, which is placed on record. It is further submitted that there are no *mala fides* on the part of the applicants in preferring appeals belatedly. The delay is sought

to be condoned for the reasons stated in the applications.

4. The applications are contested by the respondent No. 2/Acquiring Body through affidavit in reply. It is submitted by the learned counsel Mr. Dande for the acquiring body that the delay is inordinate and no satisfactory explanation is coming forth. It is impermissible in such cases to adopt any liberal approach. It is further submitted that the applicants had accepted the award and for near about thirteen years no steps were taken. The grounds mentioned in the applications are palpably false. It is submitted that if the delay is condoned that will cause extra burden on public exchequer in case appeals are allowed.

5. I have gone through the applications and the affidavit in reply. Arising out of the self same common judgment in all thirty nine appeals have been registered by condoning delay. The order of condonation of delay passed by the Coordinate Bench of 15th December, 2021 shows that on condition of forfeiture of interest and statutory benefits, delay was condoned. It would be discriminatory to take any other view by this Court. Judicial discipline demands that this Court should follow the course adopted by the Coordinate Bench.

6. Learned counsel for the acquiring body has referred to following judgments of the Supreme Court and this Court :

- I Shivamma (Dead) by L.Rs. Vs. Karnataka Housing Board and others reported in MANU/SC/1262/2025.
- II Pathapati Subba Reddy (Died) by L.Rs. and others Vs. The Special Deputy Collector (LA) reported in [2024] 4 SCR 241.
- III Surendra Kumar Jain Vs. Santobai and others reported in MANU/SC/0226/2025.
- IV Baljeet Singh (Dead) through L.Rs. and others Vs. State of U.P. and others reported in (2019) 5 SCC 33.
- V Esha Battacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others reported in (2013) 12 SCC 649.
- VI Thirunagallingam Vs. Lingeswaran and others reported in [2025] 65 SCR 253.
- VII The Executive Engineer Vs. Pandharinath and others reported in MANU/MH/1713/2018.

7. The principles laid down in above judgments have binding force. In my considered view condonation of delay in 39 appeals arising out of common impugned judgment is a distinguishing factor. I am unable to give benefit of the judgments referred above to the acquiring body. The equities can be adjusted by imposing some cost on the applicants.

8. Applicants have shown the grounds for condonation of delay. I do not find any *mala fides* on their part to prefer appeals belatedly. It is desirable to condone the delay on certain

conditions. I am fortified in my view on the strength of judgment of the Apex Court in the matter of Mohar Singh (Dead) through L.Rs. and others Vs. State of Uttar Pradesh Collector and others reported in *2024 All SCR 149*. The relevant extract is as follows :

“12. Having heard learned Senior Counsel for the parties and on perusal of the material placed on record, we are satisfied that the appellants are entitled to seek parity with their co-villagers in the grant of compensation for their acquired land. This Court has consistently held in a catena of decisions that the inordinate delay in filing appeal in compensatory matters, per se, may not be fatal as the rights and equities between the parties can be well balanced by denying the statutory benefits, such as interest for the delayed period. We are thus of the considered opinion that the delay in filing the first appeal(s) could be condoned subject to the condition that the appellants would not be entitled to enure undue benefit for the delayed period. We grant such indulgence in the appellant’s favour also for the reason that a batch of first appeals at the instance of other land owners was still pending consideration before the High Court. All that the High Court ought to have emphatically denied to the late-comers was the benefit of interest including on the solatium, under Section 34 of the Act for the period from the date of passing of the award by the Reference Court till the filing of the first appeals.”

9. Further reliance is placed on the judgment of the Apex Court by the applicants in the matters of Suresh Kumar Vs. State of Haryana and others reported in *2025(2) RCR (Civil) 743* as well as New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) through Legal Heir and another reported in *2022 SCC Online SC 1599*. I am inclined to follow the principles laid down by the Apex Court.

10. The civil applications are allowed and the delay caused in each application shall stand condoned with a condition that the

applicants shall not be entitled to interest and statutory benefits for the delayed period. In addition to the above, the applicants shall deposit cost of Rs. 3,000/- (Rs. Three thousands only) in this Court for every application within a period of four (04) weeks from today, which shall be the condition precedent. Office shall register the first appeals. Amount deposited by the applicants shall be disbursed to the respondent No. 2/Acquiring body. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25