



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 CIVIL APPLICATION NO. 183 OF 2025

IN FAST/35474/2024

DHANA RAOJI PATIL (DIED) THR. LRS. SHUSHILA DHANA PATIL AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, S.D.O., BHUSAWAL AND ANR

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Advocate for Applicant : Mr. More Kumar Gaurav M.

AGP for Respondent No. 1 : Mrs. M.N. Ghanekar

Advocate for Respondent No 2 : Mr. Shrirang Shashishekhar Dande

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62 CIVIL APPLICATION NO. 186 OF 2025

IN FAST/35442/2024

DHANA RAOJI PATIL (DIED) THR. LRS SHUSHILA DHANA PATIL AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, S.D.O., BHUSAWAL, DIST.
JALGAON AND ANR

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Advocate for Applicant : Mr. More Kumar Gaurav M.

AGP for Respondent No. 1 : Mrs. M.N. Ghanekar

Advocate for Respondent No 2 : Mr. Shrirang Shashishekhar Dande

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.12.2025

PER COURT :

Heard both sides.

2. The applicants are seeking condonation of delay of 5290 in preferring appeal arising out of L.A.R. No. 536/1998 and 3549 days in preferring appeal arising out of L.A.R. No. 29/2014.

3. The learned counsel for the applicants refers to the grounds mentioned in the application. It is submitted that there are no mala fides on the part of the applicants. Due to precarious financial condition, they are unable to file appeals in time.

4. Learned counsel Mr. Dande for the Acquiring Body would contest the application and the submissions. In one of the appeals, affidavit in reply has

been filed which is relied upon by the respondent no. 2. It is submitted that the reasons in the applications are very vague and inconvincible. The applications are liable to be rejected.

5. I have gone through the applications and reply in one of the matters. The delay of 5290 days as well as 3549 days is inordinate. But I find no reason to infer any *mala fides* on the part of the applicants. The applicants are ready to give up interest and statutory benefits for the delayed period. Equities can be adjusted by imposing certain conditions.

6. I am fortified in my view by the principles laid down by the Apex Court in the matter of **Mohar Singh (dead) through L.Rs. and others Vs. State of Uttar Pradesh Collector and others; 2024 ALL SCR 149** and **Suresh Kumar Vs. State of Haryana and others; 2025(2) RCR (Civil) 743**.

7. Delay of 5290 days and 3549 days shall stand condoned on condition that the applicants shall not be entitled to claim interest and statutory benefits for the delayed period as well as on further condition that the applicants shall pay costs of Rs. 5000/- (Rs. Five Thousand only) in case of delay of 5290 days and Rs. 3000/- (Rs. Three Thousand only) in case of delay of 3549 days, to the Acquiring Body, within four weeks from today, and/or in case, it is deposited, the same shall be disbursed to the Acquiring Body. The payment of costs shall be a condition precedent.

FIRST APPEALS (STAMP)

8. **Admit.** Learned A.G.P. waives service for respondent/State and learned counsel Mr. Dande waives service for respondent no. 2-Acquiring Body.

9. The appellants shall not be entitled to claim interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

mkd/-