



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13457 OF 2021
IN FAST/38397/2019

Maruti S/o. Vishwanath Shinde
VERSUS
The State of Maharashtra and Another

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Advocate for Applicant : Mr. S. N. Patil
AGP for Respondent No.1 – State : Mr. S. M. Ganachari
Respondent No.2 served.

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 08 JULY 2025

ORDER :-

1. Instant application is raised for condonation of delay of 3179 days caused in filing first appeal against judgment and order dated 22-12-2010 passed by the the Civil Judge Senior Division, Omerga in LAR No.789 of 2009 (Old No.13 of 2006).

2. Learned counsel for the applicant – original claimant pointed out that original claimant had preferred Land Acquisition Reference on account of acquisition of their land. The references were decided by common judgment and order dated 22-12-2010. Present applicant is dissatisfied by the same and intends to file first appeal before this Court, however, in doing so, there has been delay

of 3179 days. That, there is no deliberate and intentional delay. That, there is a good case in appeal and therefore, in the interest of justice and fair opportunity, delay so caused is sought to be condoned.

Learned counsel also seeks reliance on the judgment of Hon'ble Supreme Court in the case of ***Suresh Kumar v. State of Haryana and Ors.*** dated 23-04-2025 passed in Civil Appeal arising out of SLP (C) No.670 of 2020 with connected matter. He invited attention of this Court to observations of the Hon'ble Supreme Court in paragraph nos.8 and 9.

3. Learned APP for respondent State strongly opposed the application on the ground that there is no plausible explanation for the huge delay. That, delay is not satisfactorily explained. That, no cogent reasons are assigned so as to condone the delay.

4. Record shows that, notice was issued to respondent no.2 Acquiring Body and is shown to be served. However, none present for respondent no.2 in spite of last chance was given on last occasion.

5. After considering the submissions of learned counsel for applicant as well as learned APP and more particularly, taking into account the observations of the Hon'ble Supreme Court in the case of ***Suresh Kumar*** (supra), and to give a fair opportunity to applicant to contest the matter, delay is required to be condoned. Accordingly, application stands allowed in terms of prayer clause (A). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil Application stands disposed off accordingly.

6. On registration of appeal, issue notice of admission of appeal to the respondents. Learned APP waive service of notice for Respondent No.1 State.

7. Call Record and Proceedings.

8. After compliance of procedural formalities, list the appeal for further process in due course.

(**ABHAY S. WAGHWASE**)
JUDGE