



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

**990 CIVIL APPLICATION NO. 3898 OF 2024
IN
FIRST APPEAL STAMP NO. 190 OF 2024**

Vishwanath Rakhmaji Kurdhane
Since deceased through his L.Rs.
Dadasaheb Vishwanath Kurdhane
and another .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri S. M. Kakde, Advocate for the Applicants.
Shri B. A. Shinde, Advocate for the Respondent Nos. 1 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

FINAL ORDER :

. Heard learned counsel for the applicants and the learned Assistant Government Pleader for the respondent Nos. 1 and 3.

2. This application is for condonation of delay of 1471 days caused in preferring first appeal for enhancement of the compensation. The application has been opposed by respondent Nos. 1 and 3 by filing affidavit in reply.

3. Applicants are the claimants whose lands are acquired by the respondent/acquiring body. For enhancement of compensation they have preferred appeal, wherein there is delay.

Applicants are relying on paragraph Nos. 2 to 10 of the application for condonation of delay. Learned counsel for the applicants submits that delay is not intentional and there are no malafides on the part of the applicants in preferring the appeal belatedly.

4. Learned A. G. P. would rely on the affidavit in reply to oppose the application for condonation of delay. He would submit that there is no sufficient explanation and the applicants would not be entitled to the interest even for the delayed period and, therefore, their application need to be rejected.

5. Having considered rival submissions of the parties, I find that there is no material on record to indicate that the delay caused in preferring appeal is deliberate and there are any malafides on the part of the applicants in preferring appeal belatedly. Applicants are the agriculturists, who lost their lands and they are praying for enhancement of compensation. They are ready to forego interest and statutory benefits for the delayed period. Besides that, I find that there is considerable delay on their part in soliciting first order from this Court after filing of the appeal as well as application for condonation of delay. These lapses are attributable to them and for which it would be unreasonable to award them interest and statutory benefits. Interest of justice would be sub served by depriving the applicants 50% of the interest and statutory benefit for their lapses.

6. For the reasons mentioned above, the civil application is allowed in terms of prayer clause 'A' on condition that the applicants would not be entitled to interest and statutory benefits for the delayed period as well as 50% of the interest and statutory benefits for the lapses that is from the date of filing of appeal as well as civil application till the date of passing of first order. Office shall register the first appeals. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25