



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

**CIVIL APPLICATION NO. 4074 OF 2024
IN
FIRST APPEAL STAMP NO. 3468 OF 2024**

Digambar Hemla Rathod .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**WITH
CIVIL APPLICATION NO. 4075 OF 2024
IN
FIRST APPEAL STAMP NO. 3471 OF 2024**

Dnyaneshwar Hari Rathod .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**WITH
CIVIL APPLICATION NO. 4076 OF 2024
IN
FIRST APPEAL STAMP NO. 3475 OF 2024**

Amol Parmeshwar Rathod and another .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**WITH
CIVIL APPLICATION NO. 4077 OF 2024
IN
FIRST APPEAL STAMP NO. 3476 OF 2024**

Rama Hemla Rathod .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri S. M. Kakde, Advocate for the Applicants in all matters.
Shri B. A. Shinde, Advocate for the Respondent Nos. 1 and 2 in all matters.

CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH JUNE, 2025.

FINAL ORDER :

. Heard both sides.

2. There is delay of 2621 days caused in preferring first appeals for enhancement of the compensation. Applicants are relying on the contents of para Nos. 2 to 9 for condonation of delay. Learned counsel for the applicants submits that due to compelling circumstances stated in the applications delay has been caused, which is not deliberate. He further submits that his clients are ready to forgo interest and statutory benefits for the delayed period.

3. Learned counsel for the respondents oppose the submissions. Learned Assistant Government Pleader relies on the affidavit in reply.

4. It reveals from record that appeals are filed on 24.01.2024 and the applications for condonation of delay were circulated for urgent orders on 12.03.2025. From 24.01.2024 to 12.03.2025 there are lapses on the part of the applicants in circulating the applications for first orders.

5. Having considered rival submissions of the parties, it is not doubted that applicants are the agriculturists and due to acquisition they have lost source of income. Their proprietary rights are at stake, which needs to be dealt with on merits. Considering the contents of the application which are pressed into service, I am inclined to allow the applications for condonation of delay, provided that no malafides can be attributable to them.

6. Civil applications are allowed in terms of prayer clause 'A' on condition that applicants shall not be entitled to interest and statutory benefits for the delayed period as well as they are not entitled to interest and statutory benefit for 50% of the period from 24.01.2024 to 12.03.2025. Office is directed to register the first appeals. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25