



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

92 CIVIL APPLICATION NO. 5547 OF 2024
IN FAST/12740/2024

MANIK SHRAWAN PATIL

VERSUS

THE SPECIAL ACQUISITION OFFICER UPPER TAPI
IRRIGATION PROJECT HATNOOR NO.3 JALGAON AND ANR

AND

93 CIVIL APPLICATION NO. 5550 OF 2024
IN FAST/12744/2024

USHABAI BALIRAM SONAR

VERSUS

THE SPECIAL ACQUISITION OFFICER UPPER TAPI
IRRIGATION PROJECT HATNOOR NO.3 JALGAON AND ANR

AND

94 CIVIL APPLICATION NO. 5555 OF 2024
IN FAST/12731/2024

JAMIR AMIR PINJARI

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER, U.T.PH. NO.3,
JALGAON AND ANR

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Advocate for Applicants : Mr. Deshpande Milind K.

AGP for Respondent/s-State : Mr. D. B. Bhange.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.06.2025

PER COURT :-

1. Respondent No.2 who is the contesting party, though served has not caused any appearance.

2. Heard learned counsel Mr. Milind Deshpande and learned AGP for respondent/State.

3. Applicants have preferred first appeals challenging judgment and award dated 23.02.2010 and 23.03.2010 passed by the Reference Court, dismissing the reference. There is delay of 5085 days in filing FAST No.12740 of 2024 and 5057 days in filing FAST Nos.12744 of 2024 and 12731 of 2024.

4. Learned counsel Mr. Deshpande submits that for the reasons stated in paragraph Nos.4 and 5, the delay deserves to be condoned. Applicants are poor agriculturists who are deprived of the source of income. It is submitted that there is no malafides in preferring appeals belatedly. It is further submitted that appellants have good case on merits and every hope of success in the appeals. It is further submitted that other first appeals arising out the same acquisition and award have been admitted vide order dated 07.09.2010 and 11.06.2010

5. Learned AGP would oppose the submissions of the applicants. It is submitted that the delay has not been properly explained and it is inordinate.

6. I have gone through the contents of paragraph Nos.4 and 5 of the applications which are controverted. The contesting parties have not caused any appearance. There is no reason to doubt the bonafides of the applicants. As, near about five different appeals have been admitted on 11.06.2010 as well as 07.09.2010, the parity demands to entertain the appeals by condoning the delay. This Court could not be oblivious that the delay is huge and it would have repercussions on the public exchequer. The applicants shall not be entitled to interest and the statutory benefits for the delayed period mentioned in the applications.

7. Civil applications are allowed in terms of prayer clause "B" on the condition that appellants shall not be entitled to interest and the statutory benefits for the delayed period in respective appeals.

In First Appeals

8. **Admit.**

9. The appellants shall not be entitled to interest and the statutory benefits for the delayed period of 5085 and 5057.

10. Record and Proceedings called for.

11. These appeals be heard along with other five appeals.

12. Learned AGP waives service of notice for respondent/State.

(SHAILESH P. BRAHME, J.)

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vmk/-