



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

**1005 CIVIL APPLICATION NO. 11287 OF 2024
IN
FIRST APPEAL STAMP NO. 20788 OF 2024**

Balasaheb Abasaheb Kurdhane .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri S. M. Kakde, Advocate for the Applicant.

Shri D. B. Bhange, Advocate for the Respondent Nos. 1 and 2.

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

FINAL ORDER :

. Heard learned counsel for the applicant and the learned Assistant Government Pleader for the respondent Nos. 1 and 2.

2. This application is for condonation of delay of 1423 days caused in preferring first appeal for enhancement of the compensation. The application has been opposed by respondent Nos. 1 and 2 by filing affidavit in reply.

3. Applicant is the claimant whose lands are acquired by the respondent/acquiring body. For enhancement of compensation he has preferred appeal, wherein there is delay. Applicant is relying on paragraph Nos. 2 to 10 of the application for condonation of delay. Learned counsel for the applicant submits

that delay is not intentional and there are no malafides on the part of the applicant 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 applicant would not be entitled to the interest even for the delayed period and, therefore, his application needs 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 applicant in preferring appeal belatedly. Applicant is the agriculturist, who lost his lands and he is praying for enhancement of compensation. He is ready to forego interest and statutory benefits for the delayed period. Besides that, I find that there is considerable delay on his 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 him and for which it would be unreasonable to award him interest and statutory benefits. Interest of justice would be sub served by depriving the applicant 30% of the interest and statutory benefit for him lapses.

6. For the reasons mentioned above, the civil application is allowed in terms of prayer clause 'A' on condition that the applicant would not be entitled to interest and statutory benefits

for the delayed period as well as 30% 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 appeal. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25