



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

128 CIVIL APPLICATION NO. 3758 OF 2025
IN FAST/8225/2025

ASHOK BABASAHEB GAIKWAD AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
JALNA AND ORS.

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Advocate for Applicants : Ms. Rakh Asha D.
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. Heard learned counsel for the applicants Ms. Asha Rakh and learned AGP for the respondents/State. None appears for respondent No.3.
2. Applicants are praying for condonation of delay of 5040 days in preferring first appeal against the judgment and award dated 12.08.2009 passed in LAR.No.6 of 2001.
3. Learned counsel Ms. Asha Rakh submits that the delay deserves to be condoned in view of paragraph Nos.4 to 7 of the application. It is additionally submitted that applicants have good case on merits because in the similar circumstances claimants in LAR No.75 of 1996 were granted compensation of

Rs.1,800/- per R. by the Reference Court. A copy of judgment and order dated 29.04.2010 is filed on record to claim parity. It is submitted that applicants were unable to file appeal because they received compensation in November 2024. There are no malafides in preferring appeal belatedly. Applicants are ready to forego interest and the statutory benefits for the delayed period.

4. Learned AGP opposes the submission of the applicants. It is submitted that delay has not been properly explained.

5. I have gone through contents of the application. Acquiring body has also filed First Appeal No.2652 of 2011 in this Court. Applicants contested the same and it was dismissed on 05.09.2024. At the first blush, I was of the view that applicants could have challenged the impugned award either by preferring cross objection or separate appeal earlier. However, submissions of the learned counsel for the applicants in respect of ground of parity cannot be discarded. If similarly placed claimants have been awarded compensation of Rs.1,800/- per R., apparently, applicants are entitled for the same.

6. The contesting party has not caused any appearance despite due service. Though delay is huge, appellants are

ready to forego interest and the statutory benefits for the delayed period. Additionally, ends of the justice would be subserved by imposing costs of Rs.5,000/- on the applicants.

7. For the reasons stated above, civil application is allowed in terms of prayer clause “B” on the condition that applicants shall be forfeited interest and the statutory benefits for the period of 5040 days and the applicants shall deposit Rs.5,000/- within a period of four (4) weeks with this Court which shall be disbursed to respondent No.3.

8. Office shall register first appeal.

(SHAILESH P. BRAHME, J.)

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vmk/-