



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 5025 OF 2025
IN X-OBJST/10688/2025

RAMESH SHARANAPPA CHILOBA (DIED) L.RS. SUSHILABAI
RAMESH CHILOBA AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR
OSMANABAD AND ANR

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Advocate for Applicant : Mr. Patil Shashikiran N.

AGP for Respondent/s-State : Mr. K. K. Naik.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 02.05.2025

PER COURT :-

1. This application is for condonation of delay of 5090 days in preferring cross objection. It is submitted that first appeal has been preferred by acquiring body against the judgment and award passed by Reference Court on 28.08.2007. The applicant seeks enhancement of the compensation by preferring appeal, albeit belatedly. It is contended that paragraph Nos.2 to 4 of the application would indicate the good grounds for condonation of delay. The delay is not intentional and deserves to be condoned.

2. Per contra, learned AGP would oppose the submission of the applicants. He would submit that delay is inordinate and if first appeal preferred by the acquiring body is dismissed and simultaneously present applicants succeed in cross objection or appeal, then they will be entitled to enhance compensation payable from the public exchequer. Under those circumstances, the applicants will not be entitled to the interest or the benefit for the lapses for 5090 days. First appeal preferred by the respondent/acquiring body has not been decided finally. By way of cross objection, the applicants are seeking enhancement of the compensation being dissatisfied by the compensation granted by the Reference Court.

3. Learned AGP is right in his submission that if the applicants succeed in the cross objection and appeal preferred by the acquiring body is dismissed, the statutory interest and other benefits will be required to be paid for the delayed period also from the public exchequer. There is a huge delay of 5090 days. I am inclined to condone delay on condition of forfeiting the statutory benefits and interest for the delayed period.

4. Civil Application is allowed in terms of prayer clause “A” on condition that the appellants shall be deprived of the statutory benefit and the interest of 5090 days, in case, they succeed in their cross objection for enhancement of the compensation.

(SHAILESH P. BRAHME, J.)

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vmk/-