

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****FIRST APPEAL (ST) NO. 16918 OF 2019****ALONGWITH****INTERIM APPLICATION NO. 12553 OF 2025****ALONGWITH****INTERIM APPLICATION NO. 1601 OF 2019****ALONGWITH****CIVIL APPLICATION (ST) NO. 16919 OF 2019****IN****FIRST APPEAL (ST) NO. 16918 OF 2019****Murlidhar Nathu Jadhav****(since deceased thr. LRs.)****Shantabai Murlidhar Jadhav & Ors.****..... Applicants****VERSUS****The State of Maharashtra & Anr.****..... Respondents****Mr. Ashish Gabhale i/b. Jay & Co. for the Applicants.****Smt. Shilpa Talhar, A.G.P for the State.****CORAM : RAJESH S. PATIL, J.****DATE : 16 OCTOBER, 2025****P.C. :-****INTERIM APPLICATION NO. 12553 OF 2025**

1) This application is filed for restoration of the First Appeal which was dismissed by an order dated 8 September, 2025 since the applicant had not taken steps to comply with the directions passed by the Registrar (Judicial-II).

2) I have heard learned advocates for both the sides and I have gone through the averments made in the interim application. According to me, case is made out to allow the present interim application.

3) **Interim application is allowed in terms of prayer clause (a).**

4) Since it has been submitted before me that the office objections are already been removed, however the learned advocate who appeared before me on 8 September, 2025 was not aware of this fact and therefore it was not pointed out to this Court. In view of the same, if the office objections are already removed from the First Appeal, the First Appeal be restored to file and be numbered accordingly.

INTERIM APPLICATION NO. 1601 OF 2019

5) Not on board. Taken on board.

6) This interim application is filed to grant leave to file the present First Appeal. It is submitted before me that the applicants are the legal heirs of the original claimant. As the original claimant died on 10 August, 2015 and award was passed on 13 January, 2011 by the District Judge, Nashik and the applicants became aware of passing of

the impugned award only in the year 2018, hence, the present application alongwith First Appeal has been preferred.

7) I have heard learned advocates for both the sides and I have gone through the averments made in the present interim application.

8) The applicants have claimed to be the legal heirs of the original claimant being the wife and the children of the original claimant.

9) After hearing both the sides, I am convinced that this application needs to be allowed. **Interim application stands allowed in terms of prayer clause (a).**

CIVIL APPLICATION (ST) NO. 16919 OF 2019

10) Not on board. Taken on board.

11) This application is filed seeking condonation of delay of 8 years and 62 days in filing the First Appeal.

12) The learned counsel for the Applicant submits that there is a delay of 8 years and 62 days in preferring the First Appeal. He further submits that the Applicant was unable to take timely steps to challenge the impugned judgment and Award of the Reference Court due to financial constraints as the amount of Court Fees was

required to be arranged.

13) Ms. Talhar, learned A.G.P. appearing for State/Respondent states that she has strong objections in condoning the delay. He submits that impugned judgment and Award has been passed on 13 January, 2011 and Appeal has been preferred in the year 2019. He further submits that the State should not be saddled with the liability to pay interest for the fault of the claimant and delay can be condoned subject to the condition that Applicants will not be entitled to claim interest from the date of passing of the impugned judgment and Award till the date of filing Appeal.

14) Learned counsel appearing for Applicant submits that the claimants will not claim any interest on the enhanced compensation and the statutory amount for the period of delay, i.e. 8 years and 62 days and necessary undertaking to that effect will be filed in this Court.

15) I have heard both sides and I have gone through the contents of the application.

16) Considering the ratio laid down by the Supreme Court in the case of *Ningappa Thotappa Angadi (Dead) through Lrs vs. The Special Land Acquisition Officer*, passed in Civil Appeal No.9415 of 2019, dated 13th December, 2019, hence in the present proceedings,

the delay needs to be condoned.

17) Interim Application is **allowed** in terms of **prayer clause (a)**, subject to an undertaking being filed in this Court by the Applicant within a period of four weeks from today, that they will not claim interest on the enhanced compensation, if any, and on the statutory amount, for the period of delay i.e. 8 years and 62 days caused in preferring the Appeal.

FIRST APPEAL (ST) NO. 16918 OF 2019

18) This First Appeal has been filed challenging the Judgment and Award dated 13 January, 2011 passed by the Civil Judge, Senior Division, Nashik in Land Acquisition Reference No. 188 of 2005.

19) Acquisition of the land pertains to the notification dated 5 November, 2001 issued under Section 4 of the Land Acquisition Act. The land pertains to Village Ahurli, Taluka Igatpuri, District Nashik.

20) Heard learned counsel for both the sides.

21) **Admit.**

22) The Appellants to file private paper-book within a period of six months from today. A copy of the same to be served on other side.

23) Soft copy of R & P be sent by the trial Court to the High

Court within 4 weeks from today. Original R & P should be preserved by the trial Court till further orders of this Court. Original R & P to be sent to the High Court when called for.

[RAJESH S. PATIL, J.]