IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CIVIL APPLICATION NO. 11778 OF 2026
IN FAST/10330/2019

DWARKADAS RAMNARAYAN RATHI (DIED) THR LRS
FULKAVARBAI DIED THR LRS VIJAYPRAKASH AND ORS.
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, JALNA AND ORS.
...
Mr. A. H. Korhalkar, Advocate for Applicants
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. U. Chaudhari, Advocate for Respondents No.3 in FAST/10330/2019

WITH
CIVIL APPLICATION NO. 11779 OF 2026
IN FAST/10330/2019

DWARKADAS RAMNARAYAN RATHI (DIED) THR LRS
FULKAVARBAI DIED THR REPR. VIJAYPRAKASH AND ORS.
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND ORS.

WITH
CIVIL APPLICATION NO. 4395 OF 2020
IN FAST/10330/2019

DWARKADAS RAMNARAYAN RATHI (DIED) THR LRS
FULKAVARBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
FIRST APPEAL (STAMP) NO. 10330 OF 2019

DWARKADAS RAMNARAYAN RATHI (DIED) THR LRS
FULKAVARBAI AND ORS

VERSUS
THE STATE OF MAHARASHTRA AND ORS
…

CORAM : AJIT B. KADETHANKAR, J.
DATED : 30th October 2026

P.C. :-

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. It is reported that during the pendency of the first appeal, original appellant No.5 namely Kamalkishor Rahti has expired. In view of this, a prayer is made to permit the applicants to amend the title clause of the first appeal and the applications therein by incorporating the names of applicant Nos.5A to 5C as legal representatives of the deceased appellant No.5.

2. It is also stated that applicant No.1 has expired and her legal representatives are already on record. Hence, permission is sought to delete the name of applicant No.1.

3. For the reasons stated in the applications, the same stands allowed. Delay, if any, stands condoned. Abatement, if any, is quashed and set aside.

4. The applicants are permitted to amend the title clause of the appeal memo and the applications therein, if any, by incorporating the names of applicant Nos.5A to 5C as legal representatives of deceased appellant No.5 and by deleting the name of applicant No.1.

5. Amendment be carried out within a period of four weeks.

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6. This is an application seeking condonation of delay caused in filing the first appeal.

7. Feeling aggrieved by the judgment and award dated 22.01.2016 passed by the learned 3rd Joint Civil Judge, Senior Division, Jalna in Land Acquisition Reference No.305 of 2011, the claimants are before this Court.

8. There is delay of 1059 days caused in filing the first appeal. The reasons for seeking condonation of delay are stated in paragraphs 2 to 6 of the application.

9. It is submitted that the delay is not attributable to lethargy or negligence on the part of the applicants. In order to gather the necessary documents and arrange the funds required for payment of court fees, the applicants were unable

to file the appeal within the prescribed period.

10. The applicants have a statutory right to seek enhancement of compensation which ought not to be curtailed on account of the technicality of a short delay.

11. I find that the applicants have satisfied the parameters of law laid down by the Hon'ble Supreme Court in the case of **Suresh Kumar Vs. State of Haryana and ors.**, (Civil Appeal arising out of SLP (C) No.670 of 2020 and connected matters), decided on 23.04.2025.

12. In view of this, the application stands allowed. Delay caused in filing the first appeal stands condoned.

13. First Appeal be registered subject to removal of office objections, if any.

FIRST APPEAL

14. Issue notice to the respondents. Learned AGP waives notice for the respondent-State. Mr. S. U. Choudhari, learned Advocate waives notice for respondent No.3.

15. Call record and proceedings.

(AJIT B. KADETHANKAR, J.)

PRW