IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 8866 OF 2021
IN FAST/8541/2021

VITTHAL KESHAV ZARKAR AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
CIVIL APPLICATION NO. 8867 OF 2021
IN FAST/8932/2021

SATYANARAYAN BANKAT BORA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Mr. K. V. Patil, Advocate for Applicants
Mr. K. B. Jadhavar, AGP for Respondent Nos.1 and 2 – State
Mr. S. B. Patil, Advocate for Respondent No.3

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CORAM : AJIT B. KADETHANKAR, J.
DATED : 8th October 2026

P.C. :-

CIVIL APPLICATION NO. 8866 OF 2021 (Delay)
CIVIL APPLICATION NO. 8867 OF 2021 (Delay)

. These Civil Applications are filed seeking condonation of delay caused in filing the appeals.

2. There is delay of 1559 days caused in filing the appeals. The reasons for condonation of delay are well explained in paragraph Nos.1 to 4 of the applications. Mr. K. V. Patil,

learned Advocate for the applicants/claimants submits that the applicants are poor agriculturists and have lost their sole source of livelihood under the compulsory land acquisition. It is submitted that similarly situated claimants have filed the appeals in this Court and those appeals are remanded back to the Reference Court to permit the applicants/claimants to adduce evidence to show their entitlement for enhancement.

3. It is submitted that the applicants shall not claim any interest and statutory benefits for the delayed period. It is further submitted that their right to get enhancement of compensation must not be curtailed on technical ground of delay. With this, Mr. K. V. Patil, learned Advocate prays to allow the applications.

4. Mr. S. B. Patil, learned Advocate for the acquiring body raises a formal objection. He submits that the applicants must not be permitted to claim undue enrichment by virtue of interest. Considering the nature of controversy and the grounds set out in the applications seeking condonation of delay, and the guidelines 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, I deem it appropriate to allow the applications. Hence I pass following order :

O R D E R

I. Civil Applications are allowed.

II. Delay caused in filing the appeals stands condoned.

III. It is clarified that the applicants shall not be entitled to the interest and statutory benefits for the delayed period.

IV. First Appeals be registered.

FIRST APPEALS

5. Issue notice to the respondents. Learned AGP waives service of notice for respondent Nos.1 and 2 – State. Mr. S. B. Patil, learned Advocate waives service of notice for respondent No.3 – State.

6. Feeling aggrieved by the impugned judgment and award dated 09.09.2015 passed by the learned Civil Judge, Senior Division, Latur in Land Acquisition Reference Nos.76 of 2012 and 86 of 2012, the appellants/claimants have filed these First Appeals.

7. The substance of the arguments of Mr. K. V. Patil, learned Advocate for the appellants/claimants is that despite their having been ample evidence on record to show that the land was irrigated land or at least seasonal irrigated land, the Reference Court granted compensation holding the quality of land as dry land. He would submit that thus the appellants/claimants are held entitled for compensation for the land at Rs.12,750/- per R being a dry land. He would submit that the limited prayer in the appeal is to remand the matter back to the Reference Court to allow the appellants/claimants to adduce evidence. To that effect, he would submit that in other land acquisition references wherein the appeals filed by the claimants therein were considered, the matter was requested to be remanded back to enable the claimants to adduce evidence to show the quality of land.

8. Mr. K. V. Patil, learned Advocate refers to an order dated 31.08.2026 passed in First Appeal No.1774 of 2021. It appears that notice of this appeal was served on the respondent side, however, nobody caused appearance for respondent No.3. In the present appeals, Mr. S. B. Patil,

learned Advocate representing the said acquiring body.

9. Since a restricted prayer for remand of the matter is advanced by learned Advocate for the appellants/claimants, I deem it appropriate to remit the matter to the Reference Court to allow the appellants/claimants to adduce evidence to demonstrate the quality of the land as irrigated land/semi-irrigated land. Needless to mention, the other side shall be at liberty to cross-examine the appellants/claimants.

10. The appellants/claimants shall appear before the Reference Court on 19.10.2026 alongwith a copy of this order and shall lead their evidence while appearing itself. The Reference Court is requested to conclude the trial within three months from the date of appearance of the appellants/claimants.

11. It is clarified that in the event of any escalation, the appellants/claimants shall not be entitled for the interest from the date of passing of the impugned judgment and award i.e. 09.09.2015 till 19.10.2026.

12. Both the parties agree that no separate notice for appearance before the Reference Court is necessary and they shall cause their appearance through their respective learned

Advocates.

13. With this, the First Appeals stand disposed of.

14. The appearance of Mr. S. B. Patil, learned Advocate is marked for respondent No.3 – acquiring body.

(AJIT B. KADETHANKAR, J.)

PRW