IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 FIRST APPEAL NO. 1039 OF 2012

SADASHIV TUKARAM MULE
VERSUS
THE STATE OF MAH AND ORS

WITH
FIRST APPEAL NO. 3447 OF 2011

RAM KISHAN KENDRE
VERSUS
THE STATE OF MAH AND ORS

WITH
CIVIL APPLICATION NO. 7480 OF 2011
IN FAST/11106/2011

BHALCHANDRA TUKARAM GITE
VERSUS
THE STATE OF MAHRASHTRA AND ANR

WITH
FIRST APPEAL NO. 3032 OF 2022

SUSHILABAI BAPURAO GITE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR LATUR AND ANR

WITH
FIRST APPEAL NO. 3031 OF 2022

BAPURAO TUKARAM MULE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR LATUR AND ANR

WITH

FIRST APPEAL NO. 1739 OF 2015

BHAGIRATH BHANUDAS GITE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

WITH
CIVIL APPLICATION NO. 7478 OF 2011
IN FAST/10204/2011

BALASAHEB BAPURAO GITE
VERSUS
THE STATE OF MAH AND ORS

WITH
FIRST APPEAL NO. 1742 OF 2015

SHRIMANT DEVRAO MULE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

WITH
FIRST APPEAL NO. 1741 OF 2015

BAPURAO BHANUDAS GITE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

WITH
FIRST APPEAL NO. 2406 OF 2016

EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT DIVISION
VERSUS
SADASHIV TUKARAM MULE AND OTHERS
WITH
FIRST APPEAL NO. 1743 OF 2015

MADHUKAR BHAURAO KENDRE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

WITH
CIVIL APPLICATION NO. 7477 OF 2011
IN FAST/10198/2011

MANAJI JAIRAM GITE, DIED, THR, L.RS. SHRIHARI MANAJI GITE
VERSUS
THE STATE OF MAH AND ORS

WITH
CIVIL APPLICATION NO. 7479 OF 2011
IN FAST/11113/2011

MUNJAJI MANAJI FAD
VERSUS
THE STATE OF MAHRASHTRA AND ANR

WITH
CIVIL APPLICATION NO. 7476 OF 2011
IN FAST/10207/2011

BABU NARAYAN KENDRE
VERSUS
THE STATE OF MAH AND ORS

WITH
FIRST APPEAL NO. 1740 OF 2015

HARISCHANDRA MUKUND MULE AND ANR
VERSUS
THE STATE OF MAHRASHTRA AND ANR

...

Mr. Ajinkya S. Deshpande h/f. Mr. Amit S. Deshpande, Advocate for Appellant
Mr. B. V. Virdhe, AGP for Respondent-State
Mr. R. B. Deshpande, Advocate for Respondent-Acquiring Body

...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 7th October 2026

P.C. :-

CIVIL APPLICATION NO. 7480 OF 2011 (Delay)
CIVIL APPLICATION NO. 7478 OF 2011(Delay)
CIVIL APPLICATION NO. 7477 OF 2011(Delay)
CIVIL APPLICATION NO. 7479 OF 2011(Delay)
CIVIL APPLICATION NO. 7476 OF 2011(Delay)

. These Civil Applications are filed by the applicants seeking condonation of delay in the respective First Appeals whereby enhancement in compensation awarded in the corresponding land acquisition references is sought.

2. The details of the Civil Applications, corresponding Land Acquisition References and the delay caused are as under:

CA No.	LAR No.	Days of Delay
7480/011	1192/2000	66
7478/2011	1194/2000	55
7477/2011	208/2001	55
7479/2011	1196/2000	66
7476/2011	207/2001	55

3. Thus, there is delay ranging between 55 to 66 days caused in filing the respective First appeals.

4. Mr. Ajinkya S. Deshpande h/f. Mr. Amit S. Deshpande, learned Advocate for the applicants submits that the delay is

neither huge nor inordinate. He submits that there is no lethargy or deliberate attempt on the part of the applicants to cause delay in filing the appeals. He submits that the applicants are land losers whose sole source of livelihood is acquired under compulsory land acquisition. In order to collect the requisite documents for filing the appeals and also to arrange finances for payment of Court fees, some time has bonafidely elapsed. It is submitted that the statutory right of the applicants to seek enhancement in compensation ought not to be curtailed on the technical ground of a short delay of 55 to 66 days. It is undertaken that the applicants shall not claim any interest or statutory benefits for the delayed period.

5. Issue notice to the respondents. Learned AGP waives notice for the respondent – State. Mr. R. B. Deshpande, learned Advocate marks his presence and waives notice for the respondent – acquiring body.

6. Mr. R. B. Deshpande, learned Advocate for the acquiring body, in all fairness, submits that appropriate order be passed.

7. I find that the reasons tendered for explaining the delay are adequately described in the applications. The delay is

neither huge nor exorbitant. I do not find any element of deliberate attempt to cause delay or lethargy in filing the applications. The applicants are land losers whose lands are acquired under compulsory acquisition and they certainly have a statutory right to seek enhancement in compensation. I accept the submission of the learned Advocate for the applicants that such right ought not to be curtailed on account of a technical difficulty arising from a short delay.

8. Considering the 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, I find that the delay deserves to be condoned. Hence, I pass following order :

O R D E R

I. Civil Applications are allowed.

II. Delay caused in filing the applications stand condoned.

III. It is made clear that the applicants shall not entitled for the interest and statutory benefits for the delayed period, in the event if the appeals are allowed.

IV. Civil Applications stand disposed of.

V. First Appeals be registered.

FIRST APPEAL STAMP NO.11106 OF 2011
FIRST APPEAL STAMP NO.10204 OF 2011
FIRST APPEAL STAMP NO.10198 OF 2011
FIRST APPEAL STAMP NO.11113 OF 2011
FIRST APPEAL STAMP NO.10207 OF 2011

9. Issue notice to the respondents on 14.10.2026. Learned AGP waives notice for the respondent – State. Mr. R. B. Deshpande, learned Advocate waives notice for the respondent – acquiring body.

10. Call Record and Proceeding, if not called earlier.

11. Place the matter along with First Appeal Nos.3397 of 2021, 3399 of 2021 and 3398 of 2021.

(AJIT B. KADETHANKAR, J.)

PRW