IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12641 OF 2022
IN FAST/15620/2022

Limbraj Shankar Kute
VERSUS
The State Of Maharashtra Thr Collector, Osmanabad And Ors
...
Ms. Mrunal Andhare h/f Mr. A. B. Kale, Advocate for Applicant
Mr. R. K. Ingole, AGP for Respondent-State
...
WITH
FIRST APPEAL (STAMP) NO. 15620 OF 2022
WITH
FIRST APPEAL (STAMP) NO. 15482 OF 2022
WITH
CIVIL APPLICATION NO. 12640 OF 2022
IN FAST/15482/2022
.....
CORAM : AJIT B. KADETHANKAR, J.
DATED : 31ST OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 12641 OF 2022
CIVIL APPLICATION NO. 12640 OF 2022

. Present applications are filed for condonation of delay of 1671 days caused in filing First Appeals. Feeling aggrieved by the judgments and awards dated 09.08.2017 and 10.08.2017 passed by Civil Judge Senior Division, Boom in Land Acquisition Reference No.332 of 2014 and 411 of 2014,

the respective claimants sought to file the appeals for enhancement of compensation. However, there is delay caused in filing the appeal.

2. The reasons explaining delay are descriptively stated in paragraph no.2 to 4 of the application. It is submitted that due to weak financial condition and also for want of knowledge of the legal proceedings, claimants could not approach their learned Advocate earlier. It is submitted that right to seek enhancement is a statutory right and the same must not be defeated on account of technical difficulty. A further statement is made that if delay is condoned and the appeals are heard on merits, claimants shall not take any statutory benefit or interest over the period of delay.

3. Despite service of notice, none appears for responding side. Perused the application, it appears that the application meets the requirement for condonation of delay under the principles laid down by Hon'ble Supreme Court in the case of **Suresh Kumar Vs. State of Haryana and ors., (Civil Appeal arising out of (C) No.670/2020) and connected matters decided on 23.04.2025**. Hence I pass following order:

ORDER

a. Civil Applications stand allowed.

b. Delay of 167 days caused in filing the respective First Appeals is hereby condoned.

c. It is clarified that in the event of enhancement in the compensation, the claimants shall not be entitled for any sort of statutory benefit and interest for the period of delay.

d. Appeals be registered.

FIRST APPEAL ST. NO.15620 OF 2022
FIRST APPEAL ST. NO.15482 OF 2022

. Issue notice to the respondents, returnable on 21.12.2026. Learned AGP waives service of notice for respondent Nos.1 and 2.

2. Call Record and proceedings.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026