IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 917 OF 2020

The Ex. Engineer, Minor Irrigation Div. Osmanabad And Ors
VERSUS
Phulabai Saudagar Kedar
...
Mr. S. P. Sonpawale, Advocate for Appellants
Mr. S. N. Kendre, AGP for Respondent-State
Mr. S. C. Nadare h/f Mr. R. V. Naiknavare, Advocate for Respondent no.1

WITH
CIVIL APPLICATION NO. 3492 OF 2019
IN FAST/16545/2018
WITH
CIVIL APPLICATION NO. 3491 OF 2019
IN FAST/16545/2018
WITH
CIVIL APPLICATION NO. 12977 OF 2026
IN X-OBJST/34717/2026
WITH
FIRST APPEAL NO. 1707 OF 2021
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 12977 OF 2026

. This application is filed seeking condonation of delay of 1732 days caused in filing the Cross Objection.

2. The reasons explaining the delay are described in paragraph nos.2 to 6. Right of the claimant to seek enhancement is a statutory right, particularly when an appeal

challenging the compensation is already filed by the Acquiring Body. It would be just and proper to allow the claimant to make out a case for enhancement which is possible through Cross-Objection. In the light of this, I deem it appropriate to allow the application. Hence, following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 1732 days caused in filing the Cross Objection is hereby condoned.

c. Cross Objection be registered.

CROSS OBJECTION ST. NO.34717 OF 2026

. Issue notice to the respondents, returnable on 07.12.2026. Learned Advocate Mr. S. P. Sonpawale waives service of notice for respondent nos.1 and 2.

CIVIL APPLICATION NO. 3491 OF 2019

. Feeling aggrieved by the judgment and award dated 15.06.2012 passed by learned Civil Judge Senior Division, Osmanabad in Land Acquisition Reference No.536 of 1998, the Acquiring Body is in this Court.

2. It is submitted that due to administrative exigencies and particularly in order to secure funds for filing First Appeal, the same could not be filed within limitation. It is submitted that

there are strong grounds of objection in the appeal. The reasons for condonation of delay are descriptively stated in paragraph nos.3 to 7. It is particularly stated that delay is not occurred on account of any lethargy or negligence.

3. For the reasons stated in the application and also considering the parameters laid down by the Hon'ble Supreme Court in the case of ***Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]***, I deem it appropriate to allow the application. Hence, following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 2100 days caused in filing the First Appeal is hereby condoned.

c. Appeal be registered.

FIRST APPEAL ST. NO.16545 OF 2018

. Issue notice to the respondents. Mr. S. C. Nadare h/f Mr. R. V. Naiknaware waives service of notice.

2. Call Record and Proceedings.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026