IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10581 OF 2023
IN X-APLST/20765/2023

Sahadeo Babasaheb Sabale
*VERSUS*
Maharashtra Krishna Valley Development Corporation Thr. Ex.engineer, S.k.m.p., Paranda And Ors
...
Mr. S. Y. Mahajan, Advocate for Applicant
Mr. S. G. Sangle, Advocate for Respondent no.1
Mr. A. V. Lavte, Advocate for Respondent-State
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 15TH OCTOBER, 2026

P.C. :-

. Leave to correct the prayer clause 'b' by replacing the words "Criminal appeal" with "Cross Appeal".

2. Feeling aggrieved by the judgment and award rendered by learned 3rd Joint Civil Judge Senior Division, Osmanabad on 29.03.2010 in Land Acquisition Reference No.99 of 2006, the Acquiring Body has filed First Appeal No.1621 of 2010 and the same was admitted vide order dated 13.12.2010. Subsequently, the claimants filed a Cross Appeal seeking enhancement of compensation. Thereafter, the said First Appeal filed by the Acquiring Body came to be dismissed.

3. The present Civil Application is filed seeking condonation of delay of 4756 days. The reasons for condonation of delay are specifically stated in paragraph nos.3 to 11 of the application. It is submitted that the delay has not occasioned due to any negligence or lethargy on the part of the claimant. It is further submitted that since the main First Appeal of Acquiring Body is dismissed, the claimants be given an opportunity to seek enhancement of compensation. It is undertaken by the claimant that in the event of enhancement of compensation, he shall not claim interest or any statutory benefit for the period of delay.

4. Mr. S. G. Sangle, learned Advocate for the Acquiring Body vehemently opposes the application. He would submit that the application is filed after a huge delay and the same seems to be an afterthought proceeding to seek enhancement. With this, Mr. Sangle prays to reject the application.

5. It is not in dispute that the appeal filed by the Acquiring Body against the judgment and award passed by the Reference Court is already dismissed by this Court on 29.08.2026 on merits. It is brought to the notice of this Court

that even as on that date, the Cross Appeal filed by the present applicant had already been filed. However, owing to the roaster instructions, the said Cross Appeal could not be listed before the Court which dismissed the First Appeal filed by the Acquiring Body.

6. Enhancement in the compensation is a statutory right of the claimants. The claimant is a land looser who has lost his sole source of livelihood under the compulsory acquisition. In view of this, I deem it appropriate to allow the application and to condone the delay however by putting a rider on the part of the interest and statutory benefit for the period of delay. Hence, I pass following order:

**ORDER**

a. Civil Application stands allowed.

b. Delay of 4756 days caused in filing the Cross Appeal is hereby condoned.

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

d. Civil Application stands disposed of.

CROSS APPEAL ST. NO.20765 OF 2023

. Issue notice to the respondents. Mr. S. G. Sangle, learned Advocate waives service of notice for respondent no.1. Learned AGP waives service of notice for respondent nos.2 and 3.

2. Record and Proceedings called by this Court in First Appeal No.1621 of 2010 be retained and produced alongwith the Cross Appeal.

3. Mr. S. Y. Mahajan, learned Advocate for the appellant submits that the appeal could be partly allowed in view of the fact that, in the matters arising out of the same land acquisition proceedings, this Court has fixed enhanced rate of compensation.

4. Mr. S. G. Sangle, learned Advocate for respondent no.1 seeks some time to go through the order passed by this Court as is referred by Mr. Mahajan, learned Advocate and to make an appropriate statement on the next date.

5. Stand over to 27.10.2026.

( AJIT B. KADETHANKAR, J. )

*Rushikesh/2026*