IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14034 OF 2022
IN FAST/30826/2021

Champabai Trimbak Shinde
VERSUS
The State Of Maharashtra Thr The Collector, Latur And Ors
...
Mr. N. D. Kendre, Advocate for Applicant
Mr. R. K. Ingole, AGP for Respondent-State
...
WITH
CIVIL APPLICATION NO. 2896 OF 2025
IN FAST/30826/2021
.....
CORAM : AJIT B. KADETHANKAR, J.
DATED : 12TH OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 2896 OF 2025

. Feeling aggrieved by the judgment and award dated 07.03.2019 passed by learned Civil Judge Senior Division, Latur in Land Acquisition Reference No.313 of 2012, claimant Champabai Trimbak Shinde filed the First Appeal seeking enhancement in the appeal.

2. Civil Application No.14034 of 2022 came to be filed by the appellant to condone the delay of 897 days caused in filing the First Appeal. However, before the said application for condonation of delay came to be adjudicated, the main

claimant namely Champabai Shinde died leaving behind her legal representatives i.e. present applicant nos.1/1 and 1/2. The present Civil Application is filed seeking leave to amend the title clause of Civil Application No.14034 of 2022 and the First Appeal St. No.30826 of 2021.

3. Heard Mr. N. D. Kendre, learned Advocate for the applicants and Mr. R. K. Ingole, learned AGP for respondent State.

4. For the reasons stated in the Civil Application, the same deserves to be allowed. Hence the following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 443 days caused in filing the present Civil Application is hereby condoned.

c. Applicants are permitted to amend the title clause of the Civil Application No.14034 of 2022 and First Appeal St. No.30826 of 2021 by incorporating their names as legal representatives of deceased sole claimant/appellant Champabai Shinde.

d. Amendment be carried out during the course of the day.

e. Amended copy of the papers be supplied to the other side.

CIVIL APPLICATION NO. 14034 OF 2022

. This is an application seeking condonation of delay of 897 days caused in filing the First Appeal.

2. The reasons justifying the delay are rendered at paragraph nos.2 to 7 of the Civil Application. It is contended that for want of knowledge to take up appeal proceeding and also to gather funds for Court fees, the delay is caused. There is no lethargy nor any deliberate attempt to take undue advantage of the delay.

3. For the reasons stated in the application and recording formal objection of the other side, Civil Application deserves to be allowed in the light of the principle laid down in judgment and order passed by the 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 Application stands allowed.

b. delay of 897 days caused in filing the First Appeal is hereby condoned.

c. It is clarified that the applicants shall not be entitled for any sort of statutory benefit and interest for the period of delay.

d. Appeal be registered.

FIRST APPEAL ST. NO.30826 OF 2021

. Issue notice to the respondents. Mr. R. K. Ingole, learned AGP waives service of notice for all respondents.

2. Call Record and Proceedings.

3. Stand over to 30.11.2026.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026