

ORDER BELOW EXH.NO.45 IN LAR NO.230/2006

(Shivaji Chivade Vs. State and others)

(Passed on this 11th *Day of August 2025*)

CNRNO.MHLA170022802023

Applicant Nos.1 to 6 have filed application submitting that, the original petitioner was the exclusive owner and possessor of the agricultural land bearing Gat No. 80 admeasuring 3 H 42 R situated at village Jamalpur, Tq. Ausa, Dist. Latur. He has filed the present reference petition under Section 18 of the Land Acquisition Act, 1894. The said land is acquired by respondents for the purpose of Khuntegaon Storage Tank at village Jamalpur, Tq. Ausa, Dist. Latur. For the said acquisition respondent had declared award which was very meager and inadequate. Therefore, the amount of compensation was received under protest and said petition is for enhancement of compensation.

2. The original petitioner Shivaji Maruti Chivade died on 21/07/2022 leaving behind applicants as legal heirs. Applicants are members of Hindu joint family of original petitioner. Applicants did not have any knowledge about the present proceeding. The applicants got knowledge about the said proceeding on 25/02/2025 from the villagers. Thereafter, applicants have filed this application which is legal and within limitation from the date of knowledge. Therefore, it is prayed that applicants be added as petitioners as they are legal heirs of original petitioner. Hence, delay of 2 years 6 months and 8 days for filing this application be condoned and their names added as petitioners.

3. Respondent Nos.1 and 2 failed to file their say. Hence, “No say” order passed against them.

4. Respondent No. 3 has filed his say submitting that, the contention of applicants that they did not have knowledge about the proceeding is false. The delay caused to file application is not properly calculated by applicants. The reasons shown for cause of delay is not proper. The delay is not properly explained by applicants. There is no day to day explanation given by applicants for the cause of delay. There is no proper and genuine reason assigned by applicants for condonation of delay. Hence, it is prayed by respondent No. 3 that, the application be rejected.

5. Heard learned counsel for both the parties. Perused the record. It is clear from the record that, the original petitioner namely, Shivaji Maruti Chivade is dead. Applicants have produced heirship certificate issued by the Civil Judge Junior Division, AUSA which shows that, they are legal heirs of deceased Shivaji Maruti Chivade. It is necessary to add their names as petitioners in the petition and it is necessary to condoned the delay of 2 years 6 months and 8 days for just decision of the petition subject to imposing cost upon them. Hence, application of applicants is liable to be allowed. Therefore, I pass following order:-

ORDER

1. Application is allowed.
2. Delay of 2 years, 6 months and 8 days is hereby condoned for filing this application.

3. Names of applicant Nos.1 to 6 be added as petitioner Nos. 1/1 to 1/6 in the petition as legal heirs of deceased Shivaji Maruti Chivade subject to cost of Rs. 200/- each. They shall carry out amendment within 14 days from this order.
4. Cost amount be credited to the Government.

Date:-11.08.2025.

Place:- Ausa.

Sd/-
(P. I. Mokashi)
Civil Judge, Senior Division,
Ausa.