

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL(ST) NO. 24845 OF 2016

The State of Maharashtra (through the
Special Land Acquisition Officer) and another ... Appellants

Versus

Shri. Trimbak Pandurang Aher,
since deceased through his LRs
Pralhad Trambak Aher and others ... Respondents

WITH

CIVIL APPLICATION NO. 3351 OF 2018

CIVIL APPLICATION NO. 3352 OF 2018

IN

FIRST APPEAL(ST) NO. 24845 OF 2016

.....
Mr. A.R. Patil, Additional Government Pleader for the State.
Mr. Sachin Gite, Advocate for the Respondent No.1A.
.....

CORAM : ABHAY AHUJA, J.

DATE : 6 MARCH 2026

PC. :

Interim Application No.3351 of 2018 :

1. This Interim Application seeks condonation of delay of 2 years
16 days in filing the Appeal.

2. Mr. Patil, learned Additional Government Pleader, appearing
for the State fairly submits that the delay is an administrative delay,
which has sought to be explained in paragraph 2 of the Application.
That this Court may consider the same, subject to the reasonable terms.

3. Mr. Gite, learned Counsel, appears for the original claimants and submits that although no reply has been filed, however there is no explanation for the delay between passing of the order dated 29th September 2013 and the application for certified copy dated 31st May 2016, which is after the Sub-Divisional Officer forwarded his opinion and appeal proposal to the Law & Judiciary Department of the Government of Maharashtra and the Solicitor of the Government of Maharashtra issued a resolution for filing the appeal and after the papers were sent to the office of the Government Pleader.

4. A perusal of the table in paragraph 2 of the Application does in a way testify what is being submitted by Mr. Gite. Paragraph 2 of the said Application indicates that although the Judgment and Award of the Civil Judge (Senior Division), Malegoan is dated 29th October 2013, however the Sub-Divisional Officer has forwarded his opinion/appeal proposal to the Law & Judiciary Department of the Government of Maharashtra only on 20th February 2016 and for this delay there does not appear to be any explanation although for the subsequent period there are some explanations explaining procedural delays.

5. This Court is therefore of the view that the Interim Application be allowed, subject to payment of costs.

6. Accordingly, subject to payment of costs of Rs.10,000/- by the Applicant to the Respondents-Claimants within a period of four weeks, let the Appeal be registered.
7. List the First Appeal for admission on **15th April 2026**.

(ABHAY AHUJA, J.)