

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5493 OF 2014
IN
FIRST APPEAL (ST.) NO.8728 OF 2014

Mallikarjun s/o Basanappa Masake ..APPLICANT

VERSUS

The State of Mah. & anr. ..RESPONDENTS

Mr H.D. Deshmukh, Advocate for applicant;
Mr R.P. Phatke, A.G.P. for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 10th April, 2015

ORAL ORDER :

There is delay of 1092 days in preferring First Appeal, which according to the applicant, is caused on account of delayed payment of compensation as ordered under the Reference. He would urge that the amount was received by him on 27th April, 2013.

2. The statement is not disputed.

3. Subsequent delay is sought to be explained, based on the ailment and lack of knowledge.

4. There appears to be sufficient cause for condoning the delay in the present matter.

5. For the reasons stated in the application and in the interest of justice, delay caused in preferring the appeal is condoned, subject to payment of costs of Rs.5,000/- to the respondent, within a period of six weeks from today.

6. Failure to pay costs, within time stipulated, shall result in dismissal of the Civil Application.

7. Learned Counsel appearing on behalf of the applicant makes a statement that the other land owners, whose lands are also acquired under the same notification, have already preferred appeals before this Court, being First Appeal (St.) Nos.8729 of 2014 and 8730 of 2014.

8. In view thereof, present First Appeal be listed for admission along with First Appeal (St.) Nos.8729 of 2014 and 8730 of 2014.

(N.W. SAMBRE, J.)

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