

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 10964 OF 2015
IN
FIRST APPEAL ST. NO. 24756 OF 2015**

The State of Maharashtra & Anr. .. Applicants
Versus
Indrabai Aba Korde .. Respondent

Smt. S.S. Raut, AGP for the applicants.

**CORAM : A.M. BADAR, J.
DATED : 20.11.2015**

P.C. :-

1. Delay of 3355 days in lodging appeal is sought to be condoned by the State for challenging award of the Reference Court whereby compensation awarded was more than what was claimed by claimants therein.
2. Heard learned AGP appearing for applicant. None appears for non-applicant despite service.
3. Learned AGP by drawing my attention to impugned award of the Reference Court submits that though claim was for Rs. 600/- to Rs. 700/- per R, the Reference Court awarded compensation at Rs.800/- per R, relying on totally irrelevant sale instance.
4. Though merits of the judgments and award are

sought to be challenged cannot be a consideration for condonation of delay, but in the case in hand, despite service, non-applicant has not appeared and countered the averments made in the application for seeking condonation of delay.

5. Application discloses that because of procedural wrangles, delay has occasioned and same is sufficiently explained.

6. Hence, as averments made in the application are not challenged by filing counter affidavit, for securing ends of justice, civil application is allowed. Delay in filing appeal is condoned. First Appeal be registered.

[A.M. BADAR, J.]