

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 873 OF 2015
IN
FIRST APPEAL (ST.) NO. 14605 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sachin Punde for the applicant.

Mr. Rajan Pawar for the respondent nos. 1 & 2.

CORAM : K. K. TATED, J.

DATED : 24/07/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by claimants for condonation of delay in filing First Appeal challenging the Judgment and Award dated 25.08.2009 passed by the Reference Court partly allowed the applicants' reference.

3 The learned Counsel for the applicants submits that though the Judgment and Award dated passed by the Trial Court on 25.08.2009 holding that claimants are entitled to enhanced compensation, the same was paid by the respondents Government in the May, 2014. He submits that thereafter, immediately, they filed present First Appeal in this Court on 09.05.2014. He submits that because of

financial difficulties, there was a delay on the part of claimants to file the First Appeal in time. He submits that applicants have good chance of success in the present proceeding. He submits that if delay is not condoned, irreparable loss and injury will be caused to the claimants.

4 On the other hand, the learned AGP for the respondent State of Maharashtra vehemently opposed the present Civil Application. He submits that applicants have not shown sufficient cause for condonation of inordinate delay. He further submits that financial difficulty cannot be caused for condonation of delay. Hence, there is no substance in the present Civil Application and same to be dismissed with costs.

5 I heard both the sides at length. In the present proceeding, the respondent State Government acquired the applicants' land. Though, the Judgment and Award passed by the Reference Court on 25.08.2009 in L.A.R. No. 60 of 2008, the respondent State of Maharashtra paid enhanced compensation to the claimants in the week of May, 2014 and thereafter, immediately the claimants filed First Appeal in the Court on 09.05.2014. This itself shows that the claimants preferred the present First Appeal within less than 30 days, as soon as the respondent State of Maharashtra released the

enhanced compensation in their favour.

6 Considering the submission made by the learned Counsel for the applicant and averments made in Civil Application, I am satisfied that applicant has made out case for allowing Civil Application.

7 Hence, the following order.

a) The delay in preferring First Appeal is condoned.

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)