

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO. 13/15 IN FIRST APPEAL ST. NO. 13838 OF 2014
Kishor H. Deshmukh .vs. The State of Maharashtra & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. R.J. Shinde, Advocate for applicant,
Mrs. K. Deshpande, A.G.P. for respondent nos. 1 & 2,
Mr. S.G. Jagtap, Advocate for respondent no. 3.

CORAM : SMT. MRIDULA R. BHATKAR, J.

DATED : FEBRUARY 18, 2015.

The application for condonation of delay of 1443 days
is preferred.

Mrs. K. Deshpande, learned A.G.P. for respondent
nos. 1 & 2 and Mr. S.G. Jagtap, learned Advocate for
respondent no.3 are present and waive notice.

The learned Counsel for the applicant submits that
the applicant is an original claimant and he has preferred this
appeal due to inadequate amount of the compensation
awarded by the Reference Court, he has a good case on merit
and he claims enhancement in the said amount. He could not
file appeal within limitation due to paucity of funds, could not
arrange the Court fees and lawyers fees. So also the applicant

was victim of Chickengunia and a patient of some chronic abdomen problems. Hence, delay was caused.

The application is vehemently opposed by the learned Counsel for the respondents as there is inordinate delay of 1443 days.

The learned Counsel for the applicant has relied on the decision of Supreme Court of India in the case of **Imrat Lal and others .vs. Land Acquisition Collector and others reported in 2014(9) SCALE 446** wherein the Supreme Court has condoned the delay of 1110 days on the condition that the appellant shall not be entitled to interest for a period of delay. On the same lines, as the said ratio is applicable to the present set of facts, the delay of 1443 days is condoned subject to the applicant furnishing an undertaking within two weeks that the applicant/appellant shall not claim any interest on the amount of compensation for the period of delay, i.e. 1443 days.

Hence, the application stands disposed of accordingly.

The First Appeal be registered.

Judge

J.