

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

934 CIVIL APPLICATION NO. 2568 OF 2016
IN FAST/6113/1995

BHATKARAM SHANKARRAO

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr. Adkine S.K.

AGP for Respondent State: Mr. D. R. Korde

CORAM : V. K. JADHAV, J.

DATE : 11th March, 2016

PER COURT :

1. Heard both the sides.
2. Learned counsel for the applicant submits that the land was acquired as back as in the year 1990 and as per judgment and award passed by the reference court in the year 1992, the respondent State has not deposited the compensation amount. Consequently, the applicant, who is a poor person, could not file the first appeal for want of court fees within time. The learned counsel submits that the delay is not intentional one and the same should be condoned in the interest of justice.
3. The learned AGP submits that the delay is inordinate one and the same is not explained by the applicant and the application is thus fit to be rejected. Learned AGP, in the alternative, submits that the

application may be allowed subject to undertaking by the applicant that in case he succeeds in appeal, he would not claim interest and other benefits for the said period of delay which sought to be condoned.

4. It appears that there is inordinate delay in filing the first appeal. However, the applicant has shown sufficient cause which prevented him from preferring appeal within time. The learned counsel appearing for the applicant submits that the applicant is ready to submit an undertaking to the effect that he would not claim interest and other benefits for the period for which the delay is sought to be condoned by way of this application. In view of this, the civil application is allowed.

5. The delay of 929 days caused in filing the first appeal is hereby condoned. However, the applicant shall submit the undertaking as stated above. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

JPC