

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

12 CIVIL APPLICATION NO. 9273 OF 2011
IN FAST/15912/2011

TRYMBAK VITTHAL PATIL
VERSUS
SPECIAL LAND ACQUISITION OFFICER AND ANR

...

Advocate for Applicant : Mr. DA Madke, Adv. h/for
Mr. Nagori Girish
Mr. CV Dharurkar, AGP for Respondents:

CORAM : P.R.BORA, J.

DATE : 30th March, 2016.

PER COURT :

1) Heard. This is an application for condonation of delay of 1597 days, which has occasioned in filing the First Appeal against the Judgment and Award dated 16.11.2006 passed by learned civil Judge, Senior Division, Jalgaon in LAR No. 121/2006.

2) It is contended in the application that the applicant is not conversant with the legal procedure. It is further contended that there was lack of communication between the applicant

and his previous counsel and in such circumstances, the delay has occasioned.

3) The learned Counsel for the applicant submitted that in connected matters this Court has condoned the delay.

4) Shri Dharurkar, learned AGP appearing for Respondent No.1, opposed for condoning the delay stating that the reasons stated for condonation of the delay are not sufficient. In the alternative, the learned AGP submitted that, if this court is inclined to condone the delay, the appellant/applicant shall be disentitled for claiming interest of the intervening period.

5) It is true that the delay caused in preferring the appeal is of a longer period, however, in the application the circumstances, because of which the delay has been caused, are sufficiently explained. Moreover, as has been pointed out by learned counsel for the applicant

in the connected matters, wherein also delay was caused, this court has condoned the delay, As such, the delay caused in filing the present appeal also deserves to be condoned. However, the submission made by learned AGP that the appellant/applicant may be disentitled from claiming any interest of the intervening period also deserves to be considered. In view of the above, following order, -

ORDER

- i) The civil application is allowed;
- ii) The delay occasioned in filing the appeal stands condoned;
- iii) The appeal be registered in accordance with law;
- iv) It is clarified that the appellant/applicant will not be entitled to claim any interest of the period of delay caused in filing the appeal.

(P.R.BORA,J.)

bdv/