

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

CIVIL APPLICATION (CAF) NO.1274 OF 2011

IN

FIRST APPEAL STAMP NO.3091 OF 2011

Keshav Shivramsa Ajmire

..vs..

The Executive Engineer, Bembla Project Division, Yavatmal and ors

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

Court's or Judge's Order

Shri A.B. Nakshane, counsel for the applicant.
Shri M.M. Ekre, AGP for R-2 & 3.

CORAM : PRASANNA B. VARALE, J.

DATED : AUGUST 10, 2016.

Heard.

By the present application, the applicant-
original claimant prays for condonation of delay caused
in filing an appeal.

Learned counsel Shri A.B. Nakshane for the
applicant submits that the applicant is a farmer and
resides in Kotha Fattepur, Taluka Babhulgaon, District
Yavatmal. He further submits that the applicant, due to
financial constraints and he being an illiterate, was not
conversant with the legal niceties and, therefore, he was
unable to take necessary steps within the stipulated
period. Learned counsel submits that by obtaining hand
loan from his friends and relatives, the amount was
raised and, thereafter, he approached the counsel for
legal assistance. Thereafter, the application and appeal
are prepared and filed in this Court. It is the

submission of learned counsel that delay caused is purely an unintentional. He invites this Court attention to order dated 25.7.2016 passed by this Court and also places reliances in the case of Imrat Lal and others ..vs.. Land Acquisition Collector and others [2014(9) SCALE 446]. Learned counsel submits that to show *bona fide*, the applicant is ready to waive the interest for the period from the date of judgment passed by the Reference court, till today.

Advocate Shri S.S. Godbole h/f learned counsel Shri S.G. Jagtap for non-applicant No.1 and learned Assistant Government Pleader Shri M.M. Ekre for non-applicant Nos.2 and 3 oppose the application.

In view of the submissions made by learned counsel Shri A.B. Nakshane for the applicant as well as in view of the undertaking by the applicant to waive interest for the period from the date of judgment, till today and for the reasons stated in the application, the application is allowed. Delay is condoned.

The civil application is disposed of accordingly.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

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