

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

CIVIL APPLICATION (CAF) NO.983 OF 2011

IN

FIRST APPEAL STAMP NO.3669 OF 2011

Ramesh Mahadevrao 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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