

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 4471 OF 2014
IN FAST/4849/2014

BALAJI LAXMAN SIRSAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Deshpande Amit S.
Mr. CV Dharurkar, AGP for Respondents: 1 & 3;
Mr. SP Sonpawale, Adv. For R/2.

CORAM : P.R.BORA, J.

DATE : 20th July, 2017.

PER COURT :

1) Heard. Delay of 1099 days has occurred in filing the present appeal by the original claimant. Learned Counsel appearing for the claimant submitted that lack of financial resources and consecutive drought in Marathwada region, are the main grounds that the appellant/applicant could not approach this Court for filing the present appeal. The learned Counsel further submitted that the appeal filed by the acquiring body against the said judgment has been already admitted by this Court. The

learned Counsel on instructions, further submitted that the applicant/appellant is ready to waive interest for the period of delay in the event his appeal is allowed and the amount of compensation is enhanced on the said enhanced amount of compensation.

2) Shri Sonpawale, learned counsel appearing for the acquiring body opposed for condoning the delay stating that the reasons are insufficient to condone the delay.

3) I have considered the submissions advanced by the learned Counsel appearing for the parties. The reasons, which are assigned by the applicant, cannot be outrightly rejected. Moreover, the applicant has undertaken not to claim any interest of the period of delay. Having regard to the further fact that the appeal filed by the acquiring body against the said Judgment and Award is admitted, I am inclined to allow the present application. Hence, the following

order, -

ORDER

i) The application is allowed. The delay caused in filing the present appeal is condoned. The appeal be registered in accordance with law

ii) It is clarified that as undertaken by the applicant, he will not be entitled for the interest of the period of delay in the event his appeal is allowed and the amount of compensation is enhanced on the said enhanced amount of compensation;

iii) The civil application stands disposed of;

iv) On registration of the appeal, issue notices to the respondents. Learned Counsel and learned AGP waive service for respective respondents. Service complete.

v) Admit. To be heard along with First Appeal No. 4075/2016.

(P . R . B O R A , J .)

bdv/