

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

**944 CIVIL APPLICATION NO. 14996 OF 2016
IN FAST/16638/2016**

NAMDEO RAMCHANDRA KOLI

.. Applicant

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER,
MINOR IRRIGATION WORKS, JALGAON AND
ANR

.. Respondents

...

Advocate for Applicants : Shri. V.G. Sakolkar
AGP for Respondent No.1: Shri. C.V. Dharurkar
Advocate for Respondent No.2 : Smt. Vaishali Jadhav

...

**CORAM : P.R. BORA, J.
Dated: August 02, 2017**

PER COURT :-

. Heard learned Counsel appearing for the respective parties. Delay of 1623 days has occurred in filing the present appeal. The learned Counsel appearing for the Acquiring body and the learned AGP both have strongly opposed for condoning the delay stating that, the reasons which are assigned are insufficient to condone the delay. I have gone through the contents of the application. The consecutive droughts situation in the region and resultant financial constraints for approaching the Court is the main reason, because of which, the appellant - applicant could not file the appeal. The reasons cannot not be outrightly rejected. Moreover, on instructions the learned Counsel for the applicant - appellant has submitted that, the appellant will not claim any interest for the period of delay in the

event the appeal is allowed and the amount of compensation is enhanced on the enhanced amount of compensation. In view of the submissions so made, I am inclined to allow the application. Hence, the following order.

ORDER

1. The application is allowed.
2. The delay of 1623 days caused in filing the appeal is condoned. The appeal be registered in accordance with law. As undertaken by the appellant, he will not be entitled for any interest for the period of delay in the event the appeal is allowed and the amount is enhanced, on the enhanced amount of compensation. Civil application stands disposed of.
3. The copy of the present order be kept along with the papers of appeal.

(P.R. BORA, J.)

ggp