

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

33 CIVIL APPLICATION NO. 9553 OF 2013
IN FAST/18019/2010

VISHWANATH GANGARAM HANGARGE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ORS

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Advocate for Applicant : Mrs.Chincholkar SG
Mr.RB Bagul, AGP for Respondents: 1 & 2.

CORAM : P.R.BORA, J.

DATE : 17th July, 2017.

PER COURT :

1) Heard learned Counsel appearing for applicant and learned AGP appearing for State. Despite due service of notice, no one appears for MIDC, Latur.

2) Delay of 1196 days has occurred in filing the present appeal. Learned counsel for the applicant submitted that due to lack of funds, the applicant could not prefer the appeal within period of limitation. The learned Counsel pointed out that ultimately, the applicant was required to make a request to this court seeking permission to file the first appeal as an

indigent person and the said request has been allowed by this Court vide order passed on 26th July, 2013. The learned Counsel, on instructions, submitted that the applicant is undertaking to waive right of interest of the period of delay till today in the event the appeal is allowed and the amount of compensation is enhanced.

3) Learned AGP opposed for condoning the delay stating that the delay is of the period of more than three years and no sufficient reasons are assigned.

4) After having considered the fact that the appeal could not be filed for lack of funds and ultimately this Court has permitted the applicant to file the appeal as an indigent person and when the applicant/appellant has given an undertaking to waive interest of the period of delay, I am inclined to allow the present application. Hence, the following order, -

ORDER

i) The delay caused in filing the appeal is

condoned. The appeal be registered in accordance with law;

ii) It is clarified that the appellant/applicant shall not be entitled for any interest of the period of delay in the event the amount of compensation is enhanced by this court on the enhanced amount of compensation;

iii) The civil application is allowed.

(P.R.BORA,J.)

bdv/