

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9579 OF 2013
IN FAST/17388/2013

DYANOBA PANDHARINATH GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mahesh V. Ghatge
AGP for the respondent State: Mr. A.M. Phule
Advocate for Respondent-acquiring body : Mr. S.S. Dande
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CORAM : V. K. JADHAV, J.
DATED : 12th JULY, 2017

PER COURT:-

1. Learned counsel for the applicant submits that alongwith the connected civil application, bearing civil application No. 9573 of 2013, the applicant had taken circulation of this civil application, however, this application seeking condonation of delay was not listed before the court. This Court, in connected civil application, by order dated 24.3.2017 condoned the delay without imposing any condition.
2. Learned counsel for the respondent acquiring body has resisted the application only on the ground that though the condonation of delay was sought in the year 2013, the applicant has now taken the circulation in the matter and as such civil application is taken up by the court in the year 2017. Learned counsel submits that in case the applicant succeeds in the appeal, the respondent

acquiring body would be unnecessarily saddled to pay interest for delayed period of four years.

3. In view of above submissions and for the reasons stated in the civil application, I am satisfied that the applicant has explained delay satisfactorily. The applicant could not prefer appeal within limitation due to financial constraints. The Land Acquisition Reference also came to be dismissed by the reference court for want of evidence. In view of same, the application is allowed. Delay of 329 days caused in filing the appeal is hereby condoned. Civil application allowed and disposed of.

(V. K. JADHAV, J.)

rlj/