

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
946 CIVIL APPLICATION NO. 9782 OF 2017
IN FAST/22878/2017**

**GULAB SURYABHAN SURASE
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

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Advocate for Applicant : Mr. Pahune Patil Nandkishor J.
AGP for Respondent State:Mr. B. A. Shinde
Advocate for Respondent No.2 : Mr. Surwase B.R

CORAM : K. L. WADANE, J.

DATE : 7th September, 2017

ORDER:

1. Heard learned counsel for the applicant, learned AGP for the State and learned counsel for respondent No.2.

2. This is an application for condonation of delay caused in filing of the appeal. From the reasons stated in para No.2 of the application, it appears that due to acquisition of the suit property, the applicant was facing difficulty in earning day to day livelihood. There is no permanent income source for the applicant and the acquired land was the only source of his earning. It is submitted that though the amount of compensation granted to the applicant but it was not paid to him and therefore some time was required to arrange for the funds and in that process the delay has

been caused. The learned counsel for the respondent opposed the application.

3. In view of the above, the delay is properly explained and the same can be condoned. Hence the Civil application is allowed. The delay caused in filing the appeal is hereby condoned.

4. In the first appeal, issue notice to the respondents. Learned AGP waives notice for respondent No.1 and Mr. Surwase, the learned counsel wavier notice for respondent No.2.

5. Both the parties submit that there is element of settlement and request that may be referred to the Lok Adalat scheduled to be held on 09.09.2017. Place the matter before the Lok Adalat on 09.09.2017.

(K. L. WADANE, J.)

JPC