

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

**928 CIVIL APPLICATION NO. 13583 OF 2016
IN FAST/26453/2016**

THE STATE OF MAHARASHTRA AND ORS
VERSUS
ABASAHEB BHAGWAN PATIL DIED HIS LRS SHARDABAI AND ORS
...

AGP for Applicants	:	Mr. C. V. Dharurkar
Advocate for the respondent nos.1 to 4 & 5a to 5d	:	Mr. D. D. Sarawade Patil & Mr. D.B. Pokale
...		

**CORAM : P.R. BORA, J.
Dated: July 04, 2017**

PER COURT :

1. Heard the learned AGP and learned Counsel appearing for the claimant. Delay of 644 days has occurred in filing the present appeal by the State. The delay is stated to have occurred in procedural compliances. The learned AGP submitted that, the delay caused is unintentional. The learned AGP further submitted that, the amount of compensation has been unreasonably enhanced by the Reference Court. The learned AGP submitted that, the SLAO had offered the compensation at the rate of Rs.700/- per Are whereas the Reference Court had enhanced the same to Rs.9570/- per Are. The AGP, therefore, submitted that, the delay be condoned and the appeal be heard on merits.

2. Shri. Pokale, the learned Counsel appearing for the original claimants has opposed for condoning the delay.

3. The reasons stated in the application cannot be outrightly rejected. Further, the compensation as has been awarded by the Reference Court *prima facie* appears to be on much higher side. In view of the above and more importantly taking into account that, public money is involved, I am inclined to allow the present application and hence pass the following order.

ORDER

1. The application is allowed. Delay caused in filing the appeal is condoned. Appeal be registered in accordance with law. Civil applications stand disposed of.

2. On registration of the appeal, issue notice to the respondents. Mr D.B. Pokale & Mr D.D. Sarwade Patil, learned advocates waive service of notice for the respective respondents/original claimants. Service complete.

3. List the appeal for admission after Six Weeks.

4. Call for Record and Proceedings.

(P.R. BORA, J.)