

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

**937 CIVIL APPLICATION NO. 14712 OF 2016
IN FAST/29330/2016**

SHIVNATH ABARAO SURASE

.. Applicant

VERSUS

THE STATE OF MAHARASHTRA
AND ORS

.. Respondents

...

Advocate for Applicant : Mr. D.R. Jayabhar
AGP for Respondents No.1 & 2 : Mr. S.M. Ganachari
Advocate for Respondent No.3 : Mr. P.G. Rodge

...

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

PER COURT :-

. The delay of 1505 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 drought situation in the region and resultant financial constrains for approaching the Court is the main reason, because of which, the appellant - applicant could not file the appeal. The reasons cannot 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 caused of 1505 days 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