

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.F. No. 3722/2016 IN FIRST APPEAL ST. No. 14793/2016

PUSHAPA MAROTI BANARASE AFTER MARRIAGE PUSHAPABAI PRABHAKAR BAHADARPURE
-vs- THE STATE OF MAHA. REPRESENTED BY THE COLLECTOR, YAVATMAL AND OTHERS.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D.G. Patil, counsel for applicant.
Miss. S. Haider, AGP for respondent nos.1 and 2.
Shri S.G. Jagtap, counsel for respondent no.3.

CORAM: DR. SMT. SHALINI PHANSALKAR-JOSHI, J.

DATE : JULY 04, 2017.

This is an application for condonation of delay of 4425 days in preferring the appeal.

As the appeal is preferred by the claimant, in view of the various judgments of the Hon'ble Apex Court, lenient view is required, however, subject to condition of appellant being not entitled for the interest from the date of judgment of the reference court i.e. 26/02/2004 till the date.

Learned counsel for the applicant submits that he will not claim the said interest.

In view thereof, application is allowed.

The delay in preferring the appeal is condoned subject to condition that applicant will not be entitled for the interest during the period from 26/02/2004 till the date.

FIRST APPEAL ST. No. 14793/2016.

Heard.

ADMIT.

Call for R and P.

Appellant to file private paper book within six months after receipt of R and P.

Notice to respondent nos.1 and 2 is waived by learned AGP, whereas notice to respondent no.3 is waived by learned counsel Shri S.G. Jagtap.

JUDGE

Yenurkar