

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1528 OF 2018
IN
CIVIL REVISION APPLICATION STAMP NO. 102 OF 2018

LIMBU SHANKAR SATHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. V.V. Kabade.
AGP for Respondent Nos. 1 & 2 : Mr. B.A. Shinde.

CORAM : RAVINDRA V.GHUGE, J.
DATED : 03rd August, 2018.

PER COURT :

1. By this application, the applicant prays for condonation of 1348 days delay caused in filing this Civil Revision Application.

2. It is contended that a learned advocate was engaged for conducting LAR No. 738/2009 (Old No. 41/1996), which was initiated by the applicant for seeking enhancement of compensation. After the LAR proceeding was rejected on 28/01/2014, the applicant got the knowledge only in December, 2014, and he received a copy of the judgment on 24/12/2014. Due to his financial problems, he could not arrange for engaging an advocate and hence the delay. It is, further, stated that the applicant is willing to suffer deprivation of the interest amount in the event the Civil Revision Application is allowed.

3. Learned AGP submits that the applicant was not diligent. The LAR proceedings were lodged in the year 2002 and were decided after twelve years. In the alternative, he prays that costs be imposed for condoning the delay and the amount be donated for the treatment of poor patients.

4. Having considered the submissions of the learned advocates, it is obvious that this applicant would not derive any advantage by delaying the filing of this Civil Revision Application. He is an agriculturist who has already lost his land and has been litigating for enhancement. Any delay would cause more hardships to the applicants. So also, he submits that eventually if he succeeds in the Civil Revision Application, he would wave the interest component from January, 2015 till today.

5. In view of the above, this application is allowed. The delay of 1348 days is condoned subject to costs of Rs. 3,000/- (Rs. Three Thousand only) which shall be deposited by the applicant with the Government Medical College and Hospital, Aurangabad, through Medical Officer, High Court Dispensary, Aurangabad, either in cash or by Demand Draft (Demand Draft be drawn in the name of "Dean, Government Medical College and Hospital, Aurangabad – CSR Fund") and shall report compliance of this direction by producing a receipt of having deposited the amount, before the Registrar (Judicial) of this

Court on or before 24/08/2018. After the amount is deposited, the Civil Revision Application would be registered, subject to removal of all office objections and shall be listed for admission on 03/09/2018. In the event the applicant succeeds in this Civil Revision Application, the interest component, as per his statement, shall be waived from January, 2015 till this date.

(RAVINDRA V.GHUGE, J.)

S.P.C.