

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1102 OF 2017
IN
FIRST APPEAL (STAMP) NO. 28868 OF 2016

Bharat Bhagwanrao Bagal .. Applicant
versus
The State of Maharashtra and ors. .. Respondents

Arun H. Korhalkar, Advocate for applicant
Mr. A. M. Phule, Asstt.Govt.Pleader for respondent no. 1 and 2
Mr. B. R. Survase, Advocate for respondent no. 3

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23rd February, 2018

ORDER:

1. Heard learned counsel for parties.
2. Learned counsel for applicant purports to draw attention to that the first appeals for enhancement of compensation in respect of lands acquired in the vicinity under the same notification are pending in this court. The applicant could not prefer appeal within prescribed period of limitation due to certain difficulties. He also refers to that along with other difficulties, applicant had been facing pecuniary problems. Learned counsel for applicant has submitted that applicant would not gain any benefit from delay.

3. Learned counsel for applicant, on instructions, submits that the applicant would not claim interest for the delayed period.

4. Learned counsel for respondents, however, submit that the applicant is not diligent and ought to have filed appeal within prescribed period of limitation while other appeals are pending.

5. It appears that the applicant is not in position to challenge veracity of contents in civil application that there were impediments in filing the appeal earlier and that economic condition of the applicant is weak.

6. Applicant to file undertaking that he would not claim interest for delayed period.

7. In view of reasons given, civil application is allowed in terms of prayer clause (A) and is disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-