

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

**CIVIL APPLICATION NO. 14251 OF 2017
IN
FIRST APPEAL (St.) NO. 37272 of 2017**

Jyotiram Shripad Bhoi.

Applicant.

Versus

Executive Engineer, Medium Project,
Division Jalgaon and another.

Respondents.

Mr. S.S. Randive and Mr. S.S. More, Advocates for applicant.

Mr. R.B. Bagul, A.G.P. for respondent No.2.

CORAM : SUNIL K. KOTWAL,J.

Dated : 12th September 2018.

PER COURT :-

. This is an application for condonation of delay of 1243 days in filing Appeal against the judgment and award passed by the Civil Judge, Senior Division, Jalgaon in L.A.R. No. 201/2005.

2. Learned Counsel for the applicant submits that for want of sufficient funds in hand, the applicant cannot make arrangements for Court-fees and could not file the Appeal within time. Learned Counsel for the applicant undertakes to waive the interest on delayed period.

3. Learned A.G.P. for the State vehemently objected this Application on the ground that the poverty of the applicant cannot be a ground to condone the delay.

4. This matter pertains to dispute regarding correctness of compensation awarded by learned Trial Court for the land of the applicant. It appears that the applicant is residing in a small village like Nandra, Taluka Pachora, District Jalgaon. He does not appear to be a holder of large area of agricultural land. Thus, being a small agriculturist, it is reasonable that he might not be in a financial position to arrange for the Court-fees and other expenditure of filing the Appeal. Therefore, discretion is to be exercised in favour of the applicant.

5. In the result, Civil Application is allowed. Delay of 1243 is condoned. First Appeal (Stamp) No. 37272 of 2017 be registered. Issue notice to the respondents. Learned A.G.P. waives service of notice for respondent No.2. The applicant to file written undertaking in the First Appeal about waiver of interest for the delayed period.

5. Stand over to 21st November 2018.

6. Civil Application is disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE