

CIVIL APPLICATION NO. 376 OF 2018
IN
FIRST APPEAL [STAMP] NO. 41258 OF 2017

Dhrupatabai Namdeo Nimone ... Applicant
versus
The State of Maharashtra and anr. ... Respondents

Mr. Nandkishor J. Pahune Patil, Advocate for applicant
Mr. A. M. Phule, Assistant Govt. Pleader for respondent no.1
Mr. S. D. Dhongde, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

1. This is an application for condonation of delay in filing appeal. It is referred to that since family of the applicant had been away from the place of residence for survival she could not make timely approach to the advocate and that family has been facing very acute earning problem and daily livelihood has become difficult. In the circumstances, delay has occurred.

2. Learned counsel for the applicant submits that applicant would waive interest for the delayed period as she does not intend to take undue advantage of the delay caused.

3. Learned counsel refers to decisions of the supreme court in the cases of *Collector, Land Acquisition, Anantnag vs. Mst. Katiji*, reported in 1987 SC 1353, and *Dhiraj Singh (dead) through legal representatives and others vs. State of Haryana and others*, reported in (2014) 14 SCC 127. In view of the same, he urges for condonation of delay.

4. Learned counsel for acquiring body and learned Assistant Government Pleader resist, however, delay being not intentional or deliberate is not in serious dispute and the circumstances faced by the claimant are also not in dispute.

5. In the circumstances, having regard to decisions referred to above and quite a few orders passed by the high court condoning delay, it would be expedient to grant application for condonation of delay subject to claimant filing undertaking before this court within a period of three weeks from today that they would not claim any interest over the compensation, if enhanced, for the delayed period.

6. Application is allowed. Delay stands condoned.

SUNIL P. DESHMUKH,
JUDGE

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