

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

**968 CIVIL APPLICATION NO.5350 OF 2018  
IN FAST/8280/2018**

**SHIVAJI BHANUDAS SHERKAR  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS**

...  
Advocate for Applicant : Mr. Patil Laxmikant C.  
AGP for Respondents/State : Mr. S.P. Deshmukh  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2019.**

**ORDER :**

. Present application has been filed by the original claimant for getting the delay of 541 days condoned in filing first appeal. The claimant intends to challenge the judgment and award passed by the learned reference Court in order to enhance the compensation.

2. Learned AGP has strong objection to allow the application on the ground that the delay is huge and inordinate and has not been properly explained.

3. Taking into consideration the fact that the applicant is senior citizen, whose land has been acquired, so also he is illiterate person and

coming from rural area, liberal approach is taken, delay stands condoned.

4. Civil Application stands allowed and disposed of accordingly.
5. Registry to verify and register the first appeal and place it for further consideration on 16.12.2019.
6. It is clarified that the applicant is not entitled to get interest for the the period of 541 days in case of success to his appeal.

**(SMT. VIBHA KANKANWADI, J.)**

SCM