

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

20 CIVIL APPLICATION NO. 10061 OF 2016
IN
FIRST APPEAL STAMP NO. 8684 OF 2016

SHESHARAO CHANAPPA MIRCHE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. H.B. Nandagavale.
AGP for Respondent Nos. 1 & 2 : Mr. Y.G. Gujarathi.

CORAM : MANGESH S. PATIL, J.

DATE : 16.12.2019

PER COURT :

Heard both the sides.

2. There is a delay of **2854** days in filing appeal by the original claimant against the judgment and award passed by the reference Court in the proceedings under Section 18 of the Land Acquisition Act.

3. Claimant is a poor agriculturist who has lost his land which is the only source of his income. In such proceedings, it is obvious that before preferring appeal, the claimant would have to make necessary financial arrangements and spent valuable time before he ultimately decides to file. It is quite that the applicant cannot be said to have gained anything intentionally causing his right to prefer appeal to be barred by limitation.

4. For the reasons mentioned in the application, the delay is condoned

subject to the condition that the claimant shall not be entitled to claim any interest for the period of delay.

5. Application is disposed of.

(MANGESH S. PATIL, J.)

S.P.C.