

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

929 CIVIL APPLICATION NO.10459 OF 2011
IN
FAST/16186/2011

NANDKISHOR SATYANARAYAN AGRAWAL
VERSUS
THE COLLECTOR, JALGAON AND ORS.

Mr. M.R.Malpani h/f Mr. A.B.Kale,
Advocate for Applicant.

Mr. P.M.Kulkarni, A.G.P. for R – 1 & 2.

Mr. S.S.Chillarge, Advocate for R – 3.

CORAM : V.L.ACHLIYA, J.

DATE : 26/03/2019

ORAL ORDER :

1. The applicant has moved this application seeking condonation of 54 days delay in filing appeal against the Judgment and order passed by the reference Court.
2. Heard the learned counsel for applicant, learned A.G.P. for State and learned counsel for respondent No. 3/acquiring body.
3. In brief, it is the contention of learned counsel for applicant that the delay of 54 days caused in filing the appeal was not deliberate but due to the reasons set out in the application. It is contended that the applicant is a poor agriculturist. Due to poor financial condition, he could not arrange to file appeal within the stipulated period prescribed for filing the appeal. So also, the

applicant was not aware about the statutory period provided for filing the appeal.

4. On the other hand learned A.G.P. and learned counsel representing respondent No. 3 submit that the cause assigned for condonation of delay can not be treated as sufficient cause to condone the delay.

5. Considering the submissions advanced in the light of unchallenged pleadings made in the application specifying the reasons for condoning delay, I am of the view that delay deserves to be condoned. In case delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reasons. On the other hand, no serious prejudice would be caused to the respondents if delay is condoned. Accordingly the application is allowed. Delay is condoned.

6. Place the appeal for admission on 24/04/2019.

[V.L.ACHLIYA]
JUDGE

KNP.