

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

**908 CIVIL APPLICATION NO.6018 OF 2018  
IN FAST/30504/2017**

KESHARBAI NATHA GIRASE AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...

Mr. A.R. Devakate, Advocate for applicant  
Mr. S.P. Deshmukh, AGP for respondent Nos.1 to 3

...

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

**DATE : 10<sup>th</sup> JULY, 2019**

**PER COURT :**

1 Present application has been filed for getting delay of 2064 days in filing First Appeal condoned. The applicant intends to challenge the Judgment and Award passed by the learned reference Court for enhancement in the compensation.

2 The respondents have strongly objected the application on the ground that there is huge and inordinate delay, which has not been explained on day to day basis, by the applicant.

3 Heard learned Advocate for applicant and learned AGP who have

supported their respective contentions.

4            Though the delay is huge, it can be seen that the applicant is aged 80 and he is an agriculturist, whose entire land i.e. 3 hectares with 24 Ares barren was acquired. Under such circumstance, when he is coming from rural area as well as he is illiterate person, liberal view is required to be taken. Hence, following order.

**ORDER**

1            Delay is condoned.

2            Application stands allowed and disposed of accordingly. However, the applicant is not entitle to get interest for the period of delay i.e. 2064 days, in the event of enhancement in the compensation at the time of disposal of the First Appeal.

3            Registry to verify and register the First Appeal and place it for further consideration on 27.11.2019.

**( Smt. Vibha Kankanwadi, J. )**

agd