

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 795 OF 2015
IN
FIRST APPEAL (ST.) NO. 14601 OF 2014**

Yashwant Changu Bhagat

.. Applicant

In the matter between :

Yashwant Changu Bhagat

.. Appellant

Vs.

1) The State of Maharashtra
(Through the Special Land Acquisition
Officer) & Anr.

.. Respondents

Ms. Deepa Punde I/b Sachin S. Punde, Advocate for applicant.

Ms. Tanaya Goswami, AGP for respondent Nos.1 and 2.

CORAM : N.J. JAMADAR, J.

DATE : 13TH MARCH 2019

P.C.

1. Heard Ms. Deepa Punde, the learned counsel for the applicant and Ms. Tanaya Goswami, the learned AGP for respondent Nos.1 and

2.

2. This is an application for condonation of delay of 4 years and 128 days in preferring the appeal against the judgment and order dated 3rd October 2009 passed by the learned Joint Civil Judge, Senior Division, Panvel, District Raigad in Land Acquisition Reference

No. 237 of 2007.

3. The prime reason assigned in the application for the delay is that the applicant is a poor agriculturist and he was in financial constrains. The respondents have paid the amount of compensation awarded by the Reference Court to the applicant in the 3rd week of April 2014. The applicant, being in financial difficulty, could not take timely steps to prefer the appeal.

4. The learned AGP strenuously opposed the application for condonation of delay. It was submitted that the applicant has not satisfactorily explained the delay which is inordinate and, therefore, the application be rejected.

5. It is true that the delay is of 4 years and 128 days. The applicant has not endeavoured to explain the delay by ascribing reasons for day to day delay. However, the fact remains that the compensation awarded by the Reference Court was paid to the applicant in the month of April 2014. Viewed in the backdrop of the agrarian crises the claim by the applicant that on account of financial constrains, he could not prefer the appeal within the stipulated period appears to be reasonable and justifiable.

6. The Court is expected to be lean in favour of condonation of

delay so as to advance substantial justice by providing the parties an opportunity to get the *lis* adjudicated on merits. Thus, I am inclined to allow the application.

7. The application stands allowed.

The delay in preferring the appeal stands condoned.

The appeal be registered.

8. The civil application is accordingly disposed of.

[N. J. JAMADAR, J.]