

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CAF No. 630 of 2019
in
First Appeal St. No. 16668 of 2018
(Shri Pandit M. Kachole (Dead through L.Rs.) .vs. The State of
Maharashtra through the Collector, Wardha and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A.A. Kale, Advocate h/f Mr. A.R. Khare, Advocate for Applicant

CORAM : Manish Pitale, J.
DATED : September 26, 2019.

Notice was issued in this application for condonation of delay as well as first appeal on 20.08.2019. All the respondents have been served and they are represented through counsel.

2. Today when the application and appeals are called out for hearing, Mrs. Naik, learned AGP appeared on behalf of the respondent nos. 1 to 3.

3. The prayer for condonation of delay is opposed on behalf of the respondents pointing out that the delay is huge i.e. 1168 days. Although an attempt has been made to explain the said delay on behalf of the applicant, this Court is of the opinion that the delay could be condoned only upon imposing appropriate conditions.

4. Accordingly, the application is allowed and the delay is condoned subject to the conditions that in the event the accompanying appeal is allowed and the quantum of compensation is further enhanced, the applicant shall not be entitled to interest for the period

of delay of 1168 days in approaching this Court.

First Appeal St. No. 16668 of 2018.

Heard learned counsel for the appellant.

2. **Admit.**

3. Call for R. & P.

4. Mrs. Mrunal Naik, learned AGP, waives notice on behalf of the respondent nos. 1 to 3 and Ms. S.J. Banerjee, learned counsel waives notice on behalf of respondent Nos. 4 to 6.

JUDGE

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