

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

CIVIL APPLICATION NO.1810 OF 2019
IN
FIRST APPEAL (ST.)NO.16561 OF 2018

Shri Manu L. Venupure
(since deceased) through LR
Bhaguji M. Venupure
& Another .. Applicants.
v/s.
The Land Acquisition Officer No.3
& Others .. Respondents.

Mr. Gaurav Potnis i/b. Mrs. Pallavi Potnis, for the Applicants.
Mr. Y. Y. Dubke, AGP for Respondent Nos. 1 & 3.

CORAM: ABHAY AHUJA J.
DATED : 11th MARCH, 2020.

PC:-

Heard.

2 This is an application for condonation of delay in filing Appeal against the Judgment and Order dated 3rd May, 2008 in Land Reference No. 217 of 2000. The delay is for a period of 9 years and 248 days.

3 The Advocate for the Appellant/Applicants and for Respondents No. 1 and 3 states that the cross appeal filed by Respondent No.2 being First Appeal No.370 of 2010 has been admitted by this Court on 18th February, 2020.

4 Further, the learned Counsel for the Applicants has also

drawn attention of this Court to two orders- one dated 28th April, 2011 in Civil Application No.3154 of 2019 in First Appeal (St.) No.20920 of 2018 and the other dated 16th January, 2020 in Civil Application No.6151 of 2008 in First Appeal (St.) No.29237 of 2008– where a delays of similar period have been condoned by this Court.

5 The learned Counsel for the Respondents No.1 & 3 has no objection for condonation of delay.

6 The learned Counsel for the Applicants also draws the attention of this Court to paragraphs No. 7 and 8 of the Civil Application for explaining the cause for the delay. The said paragraphs are quoted as under:-

“7:- The Applicants state that they furnished the bank guarantee and the amount of 40% of the enhanced compensation was released by the bank to them on 16/3/2013. The Appellant state that this amount was utilized by them for construction of houses and for farming related activities which is their only source of livelihood. Due to this, the Applicants was left with no money which was released by the bank. The Applicants even though wanted to file First Appeal could not do so as they did not have the resources to pay court fee for filing of appeal.

8:- The Applicants state that they approached this Hon’ble Court by way of 3 Civil applications for withdrawal of compensation. The amount of resources spent by them on engaging advocate and filing the Civil Applications had completely drained them financially. The applicants further submit that first the applicants were deprived of their lands. The applicants submit that they had no means to raise money from any source. This acquisition deprived them from proper means of livelihood and thus they were not able to take any decision to obtain proper relief by filing appropriate appellate proceeding in respect of enhancement of compensation in Reference proceedings. Applicants have decided to file the First Appeal by paying minimum court fee of Rs.1100/-.”

7 Having heard the learned Counsels and having perused the reasons for the delay, this Court is satisfied that there is sufficient cause for condoning the delay. Delay is accordingly condoned.

8 **Civil Application is disposed of.**

(ABHAY AHUJA,J.)