

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

935 CIVIL APPLICATION NO.2660 OF 2017
IN
FIRST APPEAL [STAMP] NO.2892 OF 2017

SHIVAJI MARUTI SIRSAT
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Mr.Syed Parvez Syed Gani, Advocate for the applicant.
Mr.S.P.Deshmukh, AGP for the respondent-State.

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**CORAM : V. K. JADHAV, J.
DATED : 01.09.2021**

PER COURT :

1] Heard learned counsel for the applicant and learned AGP for respondent nos.1 and 3 – State. None appears for respondent no.2 – acquiring body though duly served.

2] The applicant is the original claimant in LAR No.193/2001. Being aggrieved by the judgment and award passed by the Reference Court on 15.04.2011, the applicant – original claimant has preferred this Appeal, which is delayed by 2022 days.

3] Learned counsel for the applicant submits that the applicant is an old illiterate agriculturist. There was drought in the vicinity for continuous 3-4 years. Thus, due to financial constraint, the applicant could not file appeal within a period of limitation and delay is occurred. Learned counsel submits that the delay is not intentional one and the applicant was prevented from sufficient cause to prefer appeal within limitation. Learned counsel for the applicant, on instructions, submits that the applicant is also ready to forgo the interest for the period of delay i.e. 2022 days caused in filing appeal.

4] Learned AGP has strongly resisted the application on the ground that delay has not been satisfactorily explained and the delay is an inordinate.

5] The applicant is an old illiterate agriculturist. It appears that due to drought condition and other aspects, he could not file appeal within a period of limitation. The applicant is suffering from financial constraint, and therefore, he could not file appeal within limitation. Furthermore, the applicant is also ready to forgo the interest for the period of delay i.e. 2022 days.

6] In view of above and for the reasons stated in the application, application is allowed in terms of prayer clause-B subject to the condition that the applicant shall not be entitled

to claim the interest for the period of delay i.e. 2022 days in case the Appeal preferred by the applicant is allowed for enhancement of compensation.

7] Civil Application is disposed of accordingly.

[V. K. JADHAV, J.]

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