

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4402 OF 2021
IN FAST/2901/2020

ANANDA DAGDU KORDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Nandkishor J. Pahune Patil
AGP for Respondents : Mr. P. M. Kulkarni
...

CORAM : ANIL S. KILOR, J.

DATE : 8th APRIL, 2021

PER COURT :-

Issue notice to the respondents. The learned AGP waives service of notice on behalf of respondents.

2. Heard the learned counsels for the respective parties.

3. This is an application for condonation of delay. There is delay of 1502 days for filing an appeal for enhancement of compensation granted by Reference Court.

4. The delay caused to file an appeal is inordinate and the reasons stated in the application are not convincing in absence of any evidence filed on record as regards ill-health of the applicants-claimants. However, looking to the matter which is arising out of the land acquisition reference and the applicants-claimants are asking for the enhancement of compensation, I am of the opinion

that, in such a matter, liberal approach needs to be adopted while considering the application for condonation of delay. Even though, the learned AGP strongly opposed this application. Looking to the nature of the matter, I am of the opinion that, it would be appropriate to condone the delay on payment of cost.

3. In the aforesaid back drop, the civil application for condonation of delay is allowed. The delay of 1502 days caused to file an appeal is hereby condoned, on condition of payment of Rs.1000/- towards cost to be paid within a period of two weeks from today. However, it is made clear that as regards to entitlement of the applicants-claimants for the interest on the enhanced amount of compensation if granted, for the delayed period, will be considered at the time of final hearing.

4. On payment of cost, the office is directed to register the first appeal and place the same for admission purpose.

5. The civil application is allowed and disposed of accordingly.

**(ANIL S. KILOR)
JUDGE**