

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3703 OF 2019
IN FAST/3641/2019

PANDHARI DASHRATH SONWANE (DIED) THR LRS POPAT AND
OTHERS
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Vivekanand V. Ingale
AGP for Respondent No.1 : Mr. Y. G. Gujrathi
Advocate for Respondent No.2 : Mr. Gulab B. Rajale
...

CORAM : ANIL S. KILOR, J.

DATE : 8th APRIL, 2021

PER COURT :-

1. This is an application filed by applicants-claimants in land acquisition reference for enhancement of compensation. This application was filed in the year 2019 for condonation of inordinate delay of 3136 days caused in filing first appeal. Even after lapse two years period, no reply has been filed by any of the respondent opposing the application.

2. In the application the applicants stated that they are poor agriculturists and due to financial condition they were not in a position to file the appeal within limitation, therefore, the delay has been caused in filing the appeal.

3. Learned counsel for the respondents formally opposed the present application.

4. In the above backdrop, in absence of serious objection to the application for condonation of delay and looking to the matter which is arising out of the land acquisition reference, whereby 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. Even though, the learned counsel opposed this application, looking to the nature of the matter, I am of the opinion that, it would be appropriate to condone the delay

5. In that view of the matter, the civil application for condonation of delay is allowed. The delay of 3136 days caused to file an appeal is hereby condoned. However, it is made clear that as regards to entitlement of the applicants-claimants for the interest on the amount of compensation if enhanced, for the delayed period, will be considered at the time of final hearing.

6. The office is directed to register the first appeal and place the same before the Court in admission category.

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

(ANIL S. KILOR)
JUDGE

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