

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

952 CIVIL APPLICATION NO.11638 OF 2017
IN
FIRST APPEAL [STAMP] NO.29609 OF 2017

DEVCHAND DHONDIRAM MEHER
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Mr.S.K.Adikine, Advocate for the applicant.
Mr.R.D.Sanap, AGP for the respondent-State.
...

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

PER COURT :

1] Heard learned counsel for the applicant and learned AGP for the respondent-State.

2] The applicant is the original claimant in LAR No.517 of 1998. Being aggrieved by the same, the applicant – original claimant has preferred this Appeal, which is delayed by 3986 days.

3] Learned counsel for the applicant submits that due to financial constraint, the applicant could not file appeal within a period of limitation. The applicant has not received

compensation for considerable period and as such appeal could not be preferred. Learned counsel submits that the applicant in para no.3 of the application has stated that he is ready to forgo the interest for the period of delay i.e. 3986 days.

4] Learned counsel for the applicant, on instructions, submits that the applicant is ready to forgo the interest for the period of delay i.e. 3986 days.

5] Learned AGP for the respondent – State submits that there is an inordinate delay, which is not satisfactorily explained.

6] The applicant is agriculturist by occupation and due to financial constraint, he could not file appeal within a period of limitation. The applicant is also ready to forgo the interest for the period of delay and also mentioned the same in para no.3 of the Civil Application seeking condonation of delay.

7] In view of above and for the reasons stated in the application, the 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, which is mentioned in para no.3 of the application, in case the appeal preferred by the applicant is allowed for enhancement of compensation.

8] Civil Application is disposed of accordingly.

[V. K. JADHAV, J.]

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