

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9749 OF 2019
IN FAST/31097/2018

SHESHABAI KASHINATH PANCHADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Advocate for Applicant : Mr. G. N. Chincholkar
AGP for Respondents No.1 and 2 : Mr. S. S. Dande
Advocate for Respondent No.3 : Mr. Sham B. Patil

CORAM : ANIL S. KILOR, J.

DATE : 8th APRIL, 2021

PER COURT :-

1. This is an application filed by applicant-claimant in land acquisition reference for enhancement of compensation. This application was filed in the year 2019 for condonation of delay of 3259 days caused in filing first appeal.

2. In the application, the applicant has stated that due to financial condition he was not in a position to file the appeal within limitation, hence there is delay in filing the appeal. It is also pointed out that connected matter has already been allowed by this Court and thereby compensation has been enhanced. Hence, the appeal was filed along with application for condonation of delay.

3. This application is pending from two years, no reply has been filed by any of the respondents-non-applicants opposing the application. But, learned counsel appearing for respondent -

Acquiring Body has orally opposed the 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 and in connected matter this Court has already enhanced the compensation. Moreover, reason of poor financial condition of the applicants stated in the application not disputed by any of the respondents. Hence, I am of the opinion that, in such a matter, liberal approach needs to be adopted. Thus, 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 3259 days caused to file an appeal is hereby condoned. However, it is made clear that as regards to entitlement of the applicant-claimant 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