

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

**917 CIVIL APPLICATION NO. 15068 OF 2019
IN FAST/30916 OF 2019**

**BABURAO @ GOVIND NARAYAN PATIL
VS
THE STATE OF MAHARASHTRA AND ORS**

Mr. N. D. Kendre, Advocate for the applicant
Mr. A. A. Jagatkar, AGP for the respondent/State
Mr. Sudhir G. Bhalerao, Advocate for respondent No.3

**CORAM : N. J. JAMADAR, J.
DATE : 05-03-2021**

P. C.

. Heard learned counsel for the applicant and learned counsel for the respondents.

2. Learned counsel for the respondent No.3-acquiring body resists the prayer for condonation of delay.

3. The applicant has averred in the application that on account of the acquisition of land the applicant has lost source of income. Thus, due to poor financial condition and adverse social situation, the applicant could not take steps to prefer the appeal against the impugned judgment and award. The applicant would suffer serious prejudice in the event the delay is not condoned.

4. It is trite that an application for condonation of delay should receive liberal consideration. The court is expected to lean in favour of the condonation of delay so as to advance the substantive justice. Reasons assigned in the application for delay cannot be said to be unreasonable.

5. Thus, having regard to the poor financial condition and adverse social situation of the applicant, the claim of the applicant that he was prevented by a sufficient cause in preferring the appeal appears sustainable.

6. Learned counsel for the applicant submits that the applicant is ready to forego statutory benefit and interest on the amount of compensation awarded by the Reference Court for delayed period. The statement is accepted.

7. Hence, the following order.

ORDER

- i. The application stands allowed.
- ii. The delay in preferring the appeal stands condoned.
- ii. Appeal be registered.

[N. J. JAMADAR, J.]