

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3029 OF 2017
IN FAST/35732/2016

NARAYAN RAMKRISHNA AMBHORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. Sonaji K. Adkine
AGP for Respondent No.1 : Mr. Y. G. Gujrathi
Advocate for Respondent No.2 : Mr. Sudhir G. Bhalerao

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 2016 for condonation of 1211 days delay caused in filing first appeal. Even after lapse about four and half years period, no reply is filed by any of the respondent opposing application.
2. Today, none appears for respondent No. 2.
3. Learned counsel for the applicants states that due to financial condition of the applicants-claimants, who are poor agriculturists, they were not in a position to file the appeal within limitation, however, after arranging necessary amount required for filing the first appeal, the appeal was filed along with application for condonation of delay. Accordingly, delay has been caused in filing the appeal.

4. Learned AGP for respondent No. 1 opposed the application.
5. 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 this matter a liberal approach needs to be adopted while considering the application for condonation of delay. Even though, the learned AGP opposed this application, however, looking to the nature of the matter, I am of the opinion that, it would be appropriate to condone the delay
6. In that view of the matter, the civil application for condonation of delay is allowed. The delay of 1211 days caused to file an appeal is hereby condoned. However, it is made clear that as regards 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.
7. The office is directed to register the first appeal and place the same before the Court in admission category.
8. The civil application is allowed and disposed of accordingly.

(ANIL S. KILOR)
JUDGE