

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9296 OF 2018
IN FAST/39899/2017

CHANDSAB MADARSADSAB (DIED) THR LRS MAHEBUBSAB
CHANDSAB SAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. G. N. Chincholkar
AGP for Respondents No.1 and 3 : Mr. P. M. Kulkarni
Adv. for Respondent No.2 : Ms. Sunita Dashrath Shelke (Absent)
...

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 2018 for condonation of 384 days delay caused in filing first appeal. Even after lapse about three years, no reply is filed by any of the respondents-non applicants opposing the application.

2. In the application, the applicant has stated that due to financial condition and because of illness of his wife from December, 2016 to February, 2017 he was not in a position to file the appeal within limitation. Hence, 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 Nos. 1 and 3 has orally opposed the application. None present for respondent No. 2-Acquiring Body.

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 applicant-claimant is 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 AGP opposed this application, 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 384 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.

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