

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 218 OF 2020
IN
FIRST APPEAL ST. NO. 376 OF 2020**

Laxman Dharma Borkar and Ors. ... Applicants

Versus

State of Maharashtra ...Respondent

Mr. Sachin S. Punde for Applicants
Mr. Yogesh Dabke, AGP for State

**CORAM :- N.R. BORKAR, J.
DATE :- 15TH JANUARY, 2021**

P. C. :-

1. Heard learned counsel for the Applicant and the learned AGP for the State.

2. This is an application for condonation of delay.

3. The Applicants herein have filed an appeal against the judgment and award dated 25th June, 2018 in LAR No. 20 of 2015. However, in view of delay of 238 days in filing the said appeal, the present application for condonation of delay is taken out.

4. It is stated in the application that the

Appellants are poor agriculturists whose land is acquired in the year 1970 by the Respondent herein. The acquired land was the sole source of income for the appellants. Appellants are facing heavy financial difficulties, as the acquired land is no more in their possession. Appellants stated that due to insufficiency of funds, they could not arrange the amount of court fees for preferring appeal within stipulated period. Appellants have further stated that they have not received compensation amount awarded by the reference court till today.

5. The learned AGP for the respondent objected to the prayer made on the ground that reasons assigned in the application are not sufficient to condone the delay. It is submitted that no documents have been filed in support of alleged financial difficulties.

6. The applicants have specifically stated that, they have not received the compensation as awarded by the reference court. Considering the fact that the Appeal is for enhancement of compensation, I am inclined to allow the present application for condonation of delay. Hence, following order:-

ORDER

- (i) Interim Application No.218 of 2020 is allowed.
- (ii) Delay of 238 in filing the Appeal is condoned.
- (iii) Interim application is disposed of accordingly.

(N.R.BORKAR, J.)