

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2256 OF 2019
IN
FIRST APPEAL (STAMP) NO. 20231 OF 2018**

Smt. Chandrakant Oberoi, Through her Power of Attorney Holder – Tripat Oberoi	Applicant
<i>Versus</i>	
The Special Land Acquisition Officer & Ors.	Respondents

.....

Mr. Gaurav Potnis i/b Pallavi Potnis for the Applicant.
Ms Tanaya Goswami, AGP for Respondent Nos. 1 to 3.

.....

CORAM : SURENDRA P. TAVADE, J.

DATE : 21st OCTOBER, 2021

P.C.:

1. This is an application for condonation of delay in filing the appeal to challenge the judgment and order dated 21st July, 2006 passed in Land Reference No. 139 of 2004. It is contended that though the Land Reference was decided, the Applicant did not receive any amount of compensation, therefore, she was not in a position to pay the Court fees. Hence, there is delay in filing the appeal against the impugned judgment and award.

2. It is also contended that the state has preferred an appeal against the order passed in Land Reference No. 139 of 2004. It appears that the state has challenged the judgment and decree passed in Land Reference No. 139 of 2004 in the year 2007.

3. It is contended on behalf of the Respondents that there is huge delay

of 11 years and some months. There is no sufficient cause for condonation of delay, therefore, the application requires to be dismissed.

4. Heard learned Counsel appearing for the Applicant and Respondents. It appears that the acquiring body has preferred First Appeal No. 2770 of 2007, which is admitted against the impugned judgment and award.

5. Though there is considerable delay in the preferring appeal against the judgment and award passed in Land Reference No. 139 of 2004, the same is to be condoned as the State has preferred the appeal. Therefore, in the interest of justice, the delay is required to be condoned. Hence the following order:

ORDER

- i) The delay in filing the appeal against the impugned judgment and award passed in Land Reference No. 139 of 2004 is hereby condoned.
- ii) Registry is directed to register the present appeal and list the same for hearing along with First Appeal No. 2770 of 2007 after four weeks.
- iii) Stand over to 2nd December, 2021.

[SURENDRA P. TAVADE, J.]