

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 3322/2019 IN
FIRST APPEAL (ST) NO. 721/2019

Tasdik Hasan Miyakhan Pathan

-VERSUS-

The State of Maharashtra & ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri N. M. Kolhe, Advocate for appellant/applicant.
Ms. S. Haider, AGP for respondent Nos. 1 and 2.
Shri P. Patil, Advocate for respondent No. 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 18.01.2021.

By this application, the applicant has sought for condonation of delay of 986 days in challenging the judgment dated 19.11.2015 in Land Acquisition Case No. 14/2011.

2. Learned counsel for the respondents has opposed the application on the ground that no sufficient ground has been made out.

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3. I perused the records and considered the submission advanced by the learned counsel for the respective parties. The applicant is an agriculturist, whose land has been acquired for public purpose. It is stated that he was unable to file appeal within the limitation period due to financial constraint.

4. The reasons stated in the application, in my considered view constitute the sufficient grounds for condonation of delay. It is held in case of *Dhiraj Singh (Dead) through LRs. and Others Vs. State of Haryana and others* that Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. Hence, the application is allowed. The delay in filing appeal is condoned. The applicant shall not be entitled for interest during the delayed period i.e. from the date of impugned judgment till the date of the application.

5. Application stands disposed of.

6. Appeal be registered after removing office objection, if any.

7. Learned Assistant Government Pleader waives service of notice on behalf of respondent Nos. 1 and 2 and Shri Patil, learned Advocate waives service of notice for respondent No. 3.

8. Appeal be listed for admission.

(SMT. ANUJA PRABHUDESSAI, J.)

Gohane.