

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

CIVIL APPLICATION (CAF) NO. 3360/2019 IN
FIRST APPEAL (ST) NO. 3977/2019

Kadu Bhika Pachpor (dead) thr. Legal heirs

-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 K. S. Narwade, Advocate for applicants.
Ms. S. Haider, AGP for respondent Nos. 1 and 3.
Shri M. A. Kadu, Advocate for respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 18.01.2021.

By this application, the applicants have sought for condonation of delay of 1153 days in challenging the judgment and award dated 21.09.2015 in LAC No. 164/2012.

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

2

3. I perused the records and considered the submission advanced by the learned counsel for the respective parties. The applicants are agriculturist. It is stated that they were 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 applicants 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.

3

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

8. Appeal may be listed for admission after two weeks.

(SMT. ANUJA PRABHUDESSAI, J.)

Gohane.