

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (F) No.3894/2018 in First Appeal st No.4273/2018
(Bhaskar Dhudse (Dhulse) and others V The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Nemade, Adv for appellants.
Shri S.G. Jagtap, Adv for resp. no.3.
Mrs. Shamsi Haider, AGP for State.

CORAM : SMT. ANUJA PRABHUDESSAI, J
DATE : 15-01-2021.

By this application, the applicants have sought to condone the delay of 200 days in filing the appeal.

2. Learned Counsel for the applicants states that the applicants will not press for interest for the delayed period i.e from the date of impugned judgment till the date of filing of civil application.

3. Learned Counsel for respondent no.3 contests the application on the ground that no sufficient cause has been made out. He further states that the applicants are not entitled for interest for the delayed period which would be from the date of impugned judgment till the date of this order. I have perused the record and considered the submissions advanced by learned Counsel for the respective parties.

4. The appellants herein have sought to challenge the judgment and award passed by the Reference Court in Land Acquisition Case No.07/2011. It is stated that the applicants are agriculturists and they are residing in remote rural areas. They have been deprived of their livelihood in view of the acquisition. The endeavour of the applicants is to seek enhancement of

compensation. The applicants have stated that they were unable to file the appeal in time due to financial constraints. Considering the reasons stated in the application, which in my considered view, constitute sufficient ground for condonation of delay, the delay is condoned and the appeal is ordered to be registered.

5. It is pertinent to note that the applicants had filed the application on 12-02-2018 after the delay of 200 days. The applicants cannot be solely held responsible for the delay in disposal of the application so as to deprive them of interest from the date of application till the date of this order. Hence, the objections raised by learned Counsel for respondent no. 3 have no merits. Therefore, the application stands allowed in above terms.

6. Matter be listed for admission after a period of three weeks.

(SMT. ANUJA PRABHUDESSAI, J)