

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

**Civil Application (CAF) No.3356 of 2019**  
**IN**  
**First Appeal Stamp No.10484 of 2019**

Harikisan s/o Hajarilal Gupta & Anr. **Vs.** The State of Maharashtra through Commissioner &  
Ors.

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

Court's or Judge's Orders

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Shri A.N. Kawale, Advocate for the Appellants.  
Ms. Shamshi Haider, AGP for Respondent Nos.1 and 2.  
Shri S.Y. Deopujari, Advocate for Respondent No.4.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**  
**DATE : 12<sup>th</sup> JANUARY, 2021.**

By this application, the applicants have sought to condone the delay of 395 days in filing the appeal against the judgment and decree dated 5<sup>th</sup> December, 2017 passed by the Reference Court in L.A.C. No.140/2008.

2. Learned counsel for the respondent No.4 has contested the application on the ground that no sufficient cause has been shown.

3. I have perused the record and considered the submissions. The applicants have sought to condone the delay mainly on the ground that they were unable to engage a counsel and arrange for court fee due to poor financial condition and that they could file the appeal only after receiving the compensation as per the order of the Executing Court.

4. Considering the reasons stated in the application, which in my considered view constitute sufficient cause, the application is

allowed. Delay is condoned, subject to the condition that the applicants shall not be entitled for any interest from the date of the impugned judgment till the date of the application. Appeal be registered subject to removal of office objections, if any.

5. The delay condonation application stands disposed of in above terms.

6. Ms. Shamshi Haider, learned AGP waives service of notice on behalf of respondent Nos.1 and 2 and Shri S.Y. Deopujari, learned counsel waives service of notice on behalf of respondent No.4.

7. The matter be listed for admission after **four weeks**.

(SMT. ANUJA PRABHUDESSAI, J.)