

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

Civil Application [CAF] No.3564 of 2019
in
First Appeal Stamp No.10599 of 2019

Walmik Shankarrao Timande

vs.

The State of Maharashtra, through Collector, Wardha & another

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

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Court's or Judge's Orders

*Shri Abhijit Deshpande, Advocate for the Appellant.
Ms. T.H. Udeshi, A.G.P. for Respondent No.1.
Shri C.J. Dhumane, Advocate for Respondent No.2.*

CORAM : S.M. MODAK, J.
DATE : 5th JANUARY, 2021.

Heard the learned Advocates for the parties.

02] There is a delay of 290 days in preferring an appeal against the judgment of the reference Court. It was delivered on 21st March, 2018. Though the reference Court has enhanced the compensation, the claimant is not satisfied with that and he intends to prefer an appeal.

03] The applicant-claimant received the amount of compensation in the month of March, 2019, when the execution proceedings were filed and thereafter he has decided to prefer an appeal because he was not having sufficient financial means.

04] The proceedings before the Land Acquisition Officer on the one hand and the proceedings before the reference Court on the other hand stand on a different footing. So also, there are different parameters for calculating the period of limitation for filing reference on the one hand and for filing an

appeal against the judgment of the reference Court on the other hand.

05] The Hon'ble Supreme Court in the case of **Imrat Lal & others vs. Land Acquisition Collector & others**, reported in **2014(9) SCALE 446** has directed to condone the delay subject to waiver of interest for the period condoned. Though I am of the view to condone the delay, I think that the original claimant is not entitled to claim interest for the period condoned. There are ways to prefer an appeal, even if the claimant is not having financial means. Hence, the following order is passed :

06] Delay of 290 days in preferring an appeal is condoned. The claimant is not entitled for interest for the period condoned, if he will succeed in the appeal.

07] The application is allowed and disposed of accordingly.

First Appeal St. No.10599/2019 :

Heard.

Admit.

Issue notice to the respondents.

Ms. T.H. Udeshi, learned A.G.P. waives notice for respondent No.1 and Shri C.J. Dhumane, learned Advocate waives for respondent No.2.

Call for record and proceedings.

Copies be supplied to the respondents.

JUDGE