

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

Civil Application [CAF] No.164 of 2020
in
First Appeal St. No.11637 of 2019

Dayaram s/o Hardas Rathod

vs.

The State of Maharashtra, through Collector, Yavatmal & others

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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 S.V. Ingole, Advocate for the Applicant-Appellant.
Ms. H.N. Jaipurkar, A.G.P. for the Respondents.*

CORAM : S.M. MODAK, J.
DATE : 17th JUNE, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

There is a delay of 628 days in preferring an appeal. The judgment was delivered on 10/04/2017 and copy was applied on 18/05/2017 and delivered on 26/07/2017. Due to financial difficulties, the claimant could not prefer an appeal in time. Condonation is opposed on behalf of the respondents. I find the reasons convincing. The only thing is that for that condoned period, the appellant will not get interest if at all he will succeed in the appeal. Hence, the order :

The delay of 628 days caused in preferring the appeal is condoned subject to waiver of interest for the delayed period.

First Appeal St. No.11637/2019 :

Heard.

Issue notice to the respondents.

Ms. Jaipurkar, learned A.G.P. waives notice for the respondents.

Admit.

Call for record and proceedings.

JUDGE

**sandesh*