

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

Civil Application (CAF) No.2844 of 2019
IN
First Appeal Stamp No.14851 of 2019

Sarfaraj Kha S/o Hafijulla Kha & Ors. Vs. State of Maharashtra through Collector, Buldhana & Ors.

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

Court's or Judge's Orders

Shri S.N. Nandeshwar, Advocate for the Appellants.
Ms. T.H. Udeshi, AGP for Respondent Nos.1 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 14th JANUARY, 2021.

The applicant herein has sought to condone the delay of 1592 days in filing the appeal against the judgment and decree dated 09/12/2014 passed by the Reference Court in L.A.C. No.177/2006.

One of the grounds raised in the application is that they did not have sufficient money to pay the court fee. The matter arises from the land acquisition proceedings. The applicants are agriculturists from rural area. They have not been negligent but were prevented from filing appeal within time due to financial constraints. The reasons stated in the application, in my considered view constitute sufficient cause to condone the delay.

Hence, application is allowed. Delay is condoned subject to the condition that the applicants will not be entitled for any interest for the delayed period i.e. 1592 days from the date of the impugned judgment till the date of the application.

The delay condonation application stands disposed of in above terms.

Appeal be registered subject to removal of office objections,
if any.

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Ms. T.H. Udeshi, learned AGP waives service of notice on
behalf of respondent Nos.1 and 3.

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

(SMT. ANUJA PRABHUDESSAI, J.)