

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

CAF NO.1152/2019 IN FA ST.NO.19786/2018

Shri Balaji Madho Bhoyar

..VS..

State of Mah., thr. Collector, Chandrapur and anr

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

Court's or Judge's Order

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Shri S.R.Charpe, Counsel for the applicant.

Ms Meenal Patil, Adv. h/f Mrs.U.A.Patil, Counsel for non-applicant No.2.

Mrs.M.H.Deshmukh, AGP for non-applicant No.1.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 01, 2021

1. This is an application for condonation of delay in filing a first appeal. Delay is of 1483 days.

2. Heard learned counsel Shri S.R.Charpe for the applicant, Advocate Ms Meenal Patil h/f learned counsel Mrs.U.A.Patil for non-applicant No.2, and learned Assistant Government Pleader Mrs.M.H.Deshmukh for non-applicant No.1.

3. Learned counsel for the applicant tendered an order passed by co-ordinate bench (Coram : Smt.Anuja Prabhudessai, J.) on 12.1.2021 in Civil Application No.603/2019. Learned counsel for the applicant submits proceeding in the said civil application and proceeding in present matter arise out of the very same land acquisition proceeding. He submits that the co-ordinate bench has

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allowed the said application. He also submits that in many other matters also delay is condoned.

4. It would be useful to refer paragraph No.2 of order dated 12.1.2021 passed by co-ordinate bench (Coram : Smt.Anuja Prabhudessai, J.) in Civil Application No.603/2019, which is reproduced herein under:

“It is stated that in the connected matter i.e. (Civil Application No.978/2019 in First Appeal Stamp No.19545/2018), this Court, by order dated 13th March, 2020 has condoned the delay subject to the condition that the appellant shall not be entitled for any interest for the delayed period”.

5. In view of the aforesaid, the present application is allowed. The delay stands condoned subject to condition that the applicant/appellant shall not be entitled for interest for delayed period. Office is directed to register the first appeal.

The civil application stands disposed of accordingly.

JUDGE

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