

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

CIVIL APPLICATION (F) NO. 553 OF 2020 IN FIRST APPEAL STAMP
NO. 22305 OF 2019

Suresh Mohare and others Vs. The State of Maharashtra and others

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

Court's or Judge's orders.

Mr. D.C. Chahande, Advocate for the applicants
Ms. Mayuri Deshmukh, AGP for non-applicant Nos. 1, 4 & 5 / State
Mr. M.A. Kadu, Advocate for the respondents No.2 and 3

CORAM : V.M.DESHPANDE, J.

DATE : 22nd DECEMBER, 2021.

Heard learned counsel for the applicants,
learned Additional Government Pleader and learned
counsel for the non-applicant Nos. 2 and 3.

2. This is an application for condonation of delay in preferring the appeal. The applicants / appellants are the original claimants. They are dissatisfied with the determination of the compensation granted in their favour by the learned Reference Court. Therefore, they have filed appeal. There is a delay of 915 days.

3. Notice on this application was issued by this Court (Coram : S.M. Modak, J.) on 24/06/2021. No reply is filed to this application. Thus, the statements made in the application on affidavit are remained to be uncontroverted.

4. After hearing the learned counsel for the applicants and after having perused the application, I am of the view that the opportunity should be given to the applicants to place their case to canvass before the Court for claiming just and adequate compensation.

5. In my view, the applicants have made out a case for condonation of delay. Hence, I pass the following order.

ORDER

1. Application is allowed
2. Delay stands condoned.
3. Office is directed to register the appeal.

6. It is made clear that the applicants will not be entitled to claim interest on the delayed period.

JUDGE

MP Deshpande