

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

CIVIL APPLICATION NO.242 OF 2021
IN
FIRST APPEAL ST. NO.24498 OF 2019

Balu Kisanrao Dole, R/o Ichori, Post Kinhi, Tq. and Dist. Yavatmal

-vs-

The Executive Engineer, Zilla Parishad Irrigation Dept. Tq. & Dist. Yavatmal and ors.

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

Court's or Judge's Orders.

Shri V. N. Patre, Advocate for applicant/appellant.
Shri D. P. Thakare, Additional Government Pleader for respondent
Nos.2 and 3.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : July 15, 2021

This application has been filed by the claimant praying that delay in filing the first appeal be condoned. The reasons for delay have been mentioned in paragraphs 4 and 5 of the application. The principal ground is financial constraints on account of which the applicant could not file the appeal within limitation. It is therefore prayed that the delay as caused be condoned.

The non-applicant No.1 is duly served but there is no appearance on its behalf.

Shri D. P. Thakare, learned Additional Government Pleader for non-applicant Nos.2 and 3 opposes the application. He submits that the delay has not been properly explained.

The judgment of the Reference Court is dated 05/05/2017 and the present appeal has been filed on 04/12/2019. Considering the reasons mentioned in paragraphs 4 and 5 of the application we are inclined to condone the delay

subject to the applicant not being entitled for interest on the amount of compensation if enhanced by this Court in the appeal.

Accordingly the delay in filing the first appeal is condoned subject to the applicant not being entitled for interest on the amount of compensation if enhanced for the period from 05/05/2017 to 04/12/2019.

Civil application is allowed and disposed of.

F. A. St. No.24498 of 2019

Heard. **Admit.** Call for record and proceedings.

Shri D. P. Thakare, learned Additional Government Pleader waives notice on behalf of respondent Nos.2 and 3.

In view of order passed on C.A.F. No.242 of 2021, the claimant would not be entitled for interest on the amount of compensation if enhanced for the period from 05/05/2017 to 04/12/2019.

JUDGE

JUDGE