

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

CIVIL APPLICATION (CAF) NO. 987 OF 2020

IN
FIRST APPEAL NO. OF 2021

Hiraman Laxman Raut

..vs..

State of Maharashtra, thr. District Collector, Yavatmal and ors.

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

Court's or Judge's orders

Shri N.Z. Mirza, Advocate for applicant/appellant.
Shri I.P. Khishti, Advocate for respondent no. 2.
Ms. T.H. Udeshi, A.G.P. for respondent nos. 1 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 19/01/2021

By this application, the applicant/appellant has sought to condone the delay of 3937 days in filing the present appeal against the judgment and decree dated 26.11.2008 in L.A.C. No. 264 of 2002.

2. The applicant is the original claimant in the Land Reference under Section 18 of the Land Acquisition Act, 1894. The applicants states that he was unable to file the appeal within the period of limitation due to financial constrains. The delay in filing the appeal though inordinate, does not appear to be deliberate or due negligence or callousness of the applicant. No *malafides* can be attributed to the applicant.

3. Considering the reasons stated in the application and in the interest of justice, the delay is

condoned subject to the condition that the applicant shall not be entitled for interest for the delayed period i.e. from the date of impugned judgment till the date of filing of the application. Civil Application stands disposed of. Appeal be registered.

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Counsel for the applicant states that the appeal is covered by the judgment passed by this Court in First Appeal No. 264 of 2016 connected with other appeals.

2. In view of the statement, parties are put to notice that an endeavour will be made to dispose of the appeal finally at the stage of admission.
3. Stand over to 27.01.2021.

JUDGE

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