

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

933 CIVIL APPLICATION NO.14107 OF 2017
IN FAST/16094/2017

TRIMBAK NARAYAN GUTTE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Pawar Balasaheb K.
AGP for Respondents/State : Mr. A.S. Shinde
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 11th November, 2022

PC.:-

1. Heard advocate Mr. Pawar learned counsel appearing for the applicant and Mr. Shinde learned AGP for non-applicant nos.1 & 2.

2. By way of present application under Section 5 of the Limitation Act the applicant prayed for condonation of delay of 720 days caused while lodging appeal against judgment and award dated 12.02.2015 passed in LAR No.25/2012 by the learned C.J.S.D., Ahmedpur. The applicant filed reference under Section 18 of the Land Acquisition Act and prayed for enhancement of compensation for acquisition of his land. The learned trial Court passed the judgment and partly allowed the reference. The SLAO granted very meager amount for the acquisition. The applicant is an Agriculturist and there is no other source of income. He was facing financial crisis due to which he could

not raise the amount for Court fees and lodge the appeal in time. The applicant is having good case on merit and as such the non-applicant nos.1 and 2 has not seriously objected for condonation of delay. Therefore, considering the nature of claim, it would be just and proper to condone the delay of 720 days caused while lodging the appeal. Accordingly, I proceed to pass the following order:

ORDER

- I) The application for condonation of delay is hereby allowed.
- II) The delay of 720 days in filing the appeal is hereby condoned.
- III) The Registry is directed to register the first appeal and place it before the Court for further action.

[Y.G. KHOBRADE, J.]