

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

931 CIVIL APPLICATION NO.13316 OF 2017
IN FAST/20476/2017

JAGANNATH RAOSAHEB SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Ajinkya Joshi h/f. Natu Sharad V.
AGP for Respondents/State : Mrs. M.A. Deshpande
...

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

PC.:-

Heard advocate Mr. Ajinkya Joshi h/f. Mr. Natu Sharad learned counsel appearing for the applicant and Mrs. Deshpande learned AGP for non-applicant no.1.

2. By way of present application under Section 5 of the Limitation Act the applicant prayed for condonation of delay of 147 days caused while lodging appeal against judgment and award dated 23.11.2016 passed in LAR No.204/2012 by the learned 2nd Jt. C.J.S.D.. 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 no.1 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 147 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 147 days in filing the appeal is hereby condoned.
- III) The Registry is directed to register the first appeals and place it before the Court for further action.

[Y.G. KHOBRADE, J.]