

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

CIVIL APPLICATION NO.3120 OF 2018 IN
FAST/25984/2017

SANKAR YEDUBA SASANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant: Mr. P A Bharad h/f D.M. Pingale
AGP for Respondents: Mr. G O Wattamwar

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CORAM : V.K. JADHAV, J.
Dated: April 22, 2022

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PER COURT :-

1. Being aggrieved by the judgment and award passed by the 2nd Jt. Civil Judge, S.D., Jalna dated 2.1.2016 in LAR No.103 of 2011, the applicant/original claimant has preferred the appeal which is delayed by 488 days.

2. Learned counsel for the applicant/original claimant submits that, the applicant is the poor agriculturist and his financial condition was not sound to approach this Court by filing an appeal. He was not in a position to pay the Court fees and pursue the

litigation. There is no intentional delay in preferring the appeal.

3. The learned AGP submits that there is an inordinate delay in preferring the appeal, which is not explained. The application is thus liable to be rejected. The learned AGP, in the alternate, submits that the applicant/original claimant is not entitled for the interest of the delayed period, in the event if he succeeds in the appeal.

4. It appears that the applicant is the poor agriculturist and due to his weak financial condition, he could not prefer an appeal within limitation. Though, there is delay in preferring the appeal, however, delay is not intentional. So far as the aspect of interest of the delayed period is concerned, the Respondent-State and Acquiring body are at liberty to make the appropriate submissions about the same at the time of final hearing of the appeal.

5. In view of the above and for the reasons stated in the application, civil application is allowed in terms of prayer clause “B”. Civil application accordingly disposed off.

(V.K. JADHAV, J.)

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