

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

936 CIVIL APPLICATION NO.5842 OF 2018
IN FAST/37873/2017

DIGAMBAR GULABRAO THORAT THR GPA BABAN DIGAMBAR
THORAT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jayabhar Dattatraya R.
AGP for Respondents: Mr. P. M. Kulkarni
....

CORAM : S. G. DIGE, J.
DATE : 28.06.2022

PER COURT :-

Heard learned counsel for the applicant and learned
AGP for respondent State.

2. Learned counsel for the applicant submits that applicant is original claimant in LAR No. 277 of 1985. Applicant land was acquired by the respondent for the purpose of construction of office colony for the Kukdei Irrigation Project. The learned reference Court has not granted compensation as per the evidence led by the applicant. Learned counsel further submits that the applicant land was acquired for the residential purpose, therefore, he is entitled for getting the compensation as per residential rate. The reference Court has decided the matter on

11 January 1988 but due to illness of the applicant and he is not aware about the legal proceeding, the delay is caused for filing the appeal. Applicant is 73 years old person. He is bed-ridden, so he could not take steps to file the appeal in stipulated period. Hence requested to condone the delay of 29 years and 225 days for the filing First Appeal.

3. Learned AGP strongly objected for condonation of delay on the ground that there are no proper explanation for condonation of delay given in the application. 29 years delay is inordinate delay. Hence requested to dismiss the application.

4. Heard both the learned counsel.

5. Applicant is praying for condonation of delay of more than 29 years. Applicant has given the reasons of illness and not aware about the legal proceeding. In my view delay has to be properly explained, if there is proper explanation about the delay this Court can consider the delay for filing the appeal. In present matter there is more than 29 years delay without giving proper explanation, illness and lack of knowledge cannot be ground to condone the delay of more than 29 years. Hence I pass the following order.

ORDER

- (I) Application is dismissed.
- (II) Civil Application is disposed of.

**(S.G. DIGE,)
JUDGE**

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