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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**920 CIVIL APPLICATION NO.9528 OF 2021  
IN FAST/36218/2019**

**VASANT SHAHAJI GORATE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANR**

Mr. N. D.Kendre, Advocate for the applicant  
Mr. B. V. Virdhe, AGP for the respondents/State

**CORAM : VINAY JOSHI, J.**

**DATE : 10-02-2022**

**P. C.**

. This is application for seeking condonation of delay of 4891 days caused in preferring the first appeal seeking enhancement in compensation amount.

2. The State has objected for condonation of delay.

3. The respondent No.2-Acquiring Body though served remained absent meaning thereby they have no interest in contesting this application.

4. The applicant has set out reasons in para Nos. 3 to 5 of this application. It is contended

that the applicant's agriculture land having superior quality situated at Hiparga (Kopdev) has been acquired for construction of Minor Irrigation Tank, Nagthana of Village Hipparga Kopdev in the year 2006 itself. It is contended that the Acquiring Body did not deposit the amount as per order passed by the Reference Court for longer period. Due to illiteracy and poverty the applicant was not in a position to file appeal within stipulated period. It is contended that the Reference Court has awarded compensation at very lower rate which has caused great loss to the applicants. On the point of delay it is submitted that the applicant is ready to waive interest and all statutory benefits for delayed period.

4. Having regard to the nature of litigation and as the applicant has lost his source of livelihood, delay stands condoned with rider that the applicant is not entitled for interest and other statutory benefits for entire delayed period.

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5. The application stands disposed of. The appeal be registered accordingly.

[ VINAY JOSHI, J. ]

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