

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

919 CIVIL APPLICATION NO.6288 OF 2018
IN FAST/38701/2017

VAIJAYANTA MALSID SHENDGE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Shinde Shrikishan S.
AGP for Respondents: Mr. S P Deshmukh

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

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PER COURT :-

1. Heard the learned counsel for the applicant/original claimant and the learned AGP for respondent nos.1 and 2. Though, respondent no.3-acquiring body is duly served, none appears.

2. Being aggrieved by the common judgment and award dated 20.1.2016 passed by the Civil Judge, S.D., Paranda in LAR No.831 of 2011, the applicant/original claimant has preferred an appeal, which is delayed by 596 days.

3. Learned counsel for the applicant submits that the applicant is the old lady and is pulling her life in miserable condition. The land which was the source of

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her livelihood has been acquired by the respondents. Due to poor financial condition, the applicant could not make arrangement for payment of the Court fees required for filing the first appeal. There is no intentional delay.

4. The learned AGP submits that there is an inordinate delay, which is not explained satisfactorily. Further, in the alternate, the learned AGP submits that the applicant/original claimant may not be entitled for the interest of the delayed period, in the event if she succeed in the appeal.

5. The applicant/original claimant is the poor agriculturist. Land which was the only source of her livelihood has been acquired, she could not prefer the appeal only after receipt of certain amount of compensation. There is no intentional delay, as such. The respondents/State and the acquiring body are at liberty to make appropriate submissions at the time of final hearing of the appeal about interest of the delayed period, however, I am inclined to condone the delay. The

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application is accordingly allowed in terms of prayer clause '**B**' and disposed of accordingly.

(V.K. JADHAV, J.)

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