

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1252 OF 2021
IN
FIRST APPEAL (ST) NO. 7485 OF 2021**

Balu Amruta Gaikwad

.. Applicant/
Appellant

Versus

The State of Maharashtra and Anr.

.. Respondents

Mr. Sachin Gite for the Applicant/Appellant.

Mr. N.B. Patil AGP for the State.

Ms. Chaitrali Deshmukh for the Respondents.

CORAM: ABHAY AHUJA, JJ.

DATE : 17th JUNE 2022

P.C. :-

1. By this Application, the Applicant/Appellant, who is an Agriculturist is seeking condonation of delay of 2 years and 268 days in filing of Appeal against Judgment and Order dated 26th March 2018, passed by Learned Civil Judge Senior Division, Nashik in Land Reference Nos. 35 of 2015 whereby enhancement of compensation of acquired land has been partly allowed.

2. Learned Counsel Mr. Sachin Gite for the Applicant/Appellant draws attention of this Court to paragraphs No. 2 to 5 of the application to explain the delay. Learned Counsel submits that the applicant is an agriculturist and was nor was he aware about the impugned Judgment and order, nor aware about the provisions of law. He submits that only after the Applicant visited the Office of his Advocate, he came to know that there was an error in the Award of compensation for the land acquired from him.

3. Learned Counsel appearing on behalf of the Respondent No. 2 places her formal objection to the condonation of delay sought by the Applicant and submits to the orders of this Court stating that the Applicant should not claim any interest for the delayed period to be condoned in the matter.

4. Learned Counsel for the Applicant/Appellant on instructions makes a statement that his client will not claim any interest for the delayed period. Statement is accepted.

5. Having perused the said application and having heard

learned Counsel for the parties , this Court is satisfied that there was sufficient cause for the delay.

6. In this view of the matter, delay of 2 years and 268 days is hereby condoned.

7. The Application stands disposed of.

8. List the Appeal alongwith F.A.(ST) No. 7493/2021 for admission on 30th June 2022.

(ABHAY AHUJA, J.)