

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (F) No.1509/2022 in First Appeal St. No.1302/2022

Rameshchandra Lachure V the State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. V.N. Patre, Advocate, Advocate for applicant.
Mr. M.A. Kadu, AGP for non-applicants.

CORAM : ABHAY AHUJA, J.
DATE : 26-09-2022

Heard.

2. By this application, the applicant is seeking condonation of delay of 96 days in filing the Appeal against the judgment and award dated 03-09-2019 passed by the learned District Judge-2, Darwaha in Land Acquisition Case No.2193/2004.

3. Mr. Patre, learned Counsel for the applicant submits that the delay has been caused as the appellant had suffered Heart Attack in the month of September 2019 and on 06-09-2019 he was operated for Angioplasty. After operation he was advised to take rest and not to travel for six months. As the problem of Heart disease is a continuous one he requires to take the treatment. Learned Counsel further states that in the first week of January 2022 the son of the applicant contacted the counsel and provided all the medical documents and requested to prefer the Appeal. He

draws attention of this Court to paragraphs 2 to 5 of the application in support of his contention to condone the delay. He submits that the applicant has a good case on merits and every possibility to succeed.

4. Mr. Kadu, learned AGP, has no objection if the delay is condoned.

5. Having heard the learned Counsel for the applicant and having perused the application, this Court is satisfied that there is sufficient cause made out for condonation of delay.

6. The delay of 96 days in filing this Appeal is condoned.

7. The Registry is directed to register the First Appeal within a period of two weeks.

8. Application stands disposed.

First Appeal St. No.1302/2022

Heard.

2. The Appellant is directed to serve copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of two weeks and file an affidavit of service with tangible proof in this Court by the next date.

3. List the matter on 17-10-2022.

(Abhay Ahuja, J.)