

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

CIVIL APPLICATION (CAF) NO. 1583/2022 IN
FIRST APPEAL STAMP NO. 1801/2022

Sheshrao s/o Maroti Gaikwad (dead) through LR's Ashok s/o Sheshrao Gaikwad and others. **Versus** State of Maharashtra, thr. its Collector, Yavatmal and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Sunita D. Paul, Advocate for the applicants
Ms T.H. Udeshi, AGP for non-applicants No. 1 and 2.
Shri T.U. Tathod, Advocate for the non-applicant No.3.

CORAM : ABHAY AHUJA, J.
DATED : 10/10/2022

1. Heard.
2. By this application, the applicants are seeking condonation of delay of 656 days in preferring an Appeal against the judgment and award passed by the learned Reference Court on 28/02/2018.
3. Ms Sunita D. Paul, learned Advocate for the applicants draws attention of this Court to paragraphs No.3 to 8 of the application for explaining the delay.
4. Shri T.U. Tathod, learned Advocate for non-applicant No.3/acquiring body submits that he has instructions not to file any reply but only to raise formal objection.
5. Ms T.H. Udeshi, learned AGP has no objection, if the delay is condoned.

6. It is submitted on behalf of the applicants that the applicants are villagers and not aware about the legal procedure of filing of Appeal against the impugned judgment and award.

7. It is submitted that although the judgment and award passed on 28/02/2018, the compensation amount was received by the applicants only in the month of June, 2020.

8. The learned Advocate would submit that from March, 2020 onwards, there was a pandemic situation and when he received compensation in June, 2020, the pandemic was at peak. She submits that pandemic continued till February, 2022.

9. She, therefore, submits that the delay may be condoned and the Appeal be heard on merits. On merits, she submits that the compensation granted was very meager and at least a compensation of Rs. 5 Lakhs per hectare ought to have been granted. Therefore, she submits that the applicants have good case on merits and the Appeal may be heard expeditiously.

10. Having heard the learned Advocate and having perused the application for condonation of delay, let the delay of 656 days in preferring the Appeal be condoned.

11. The delay of 656 days in filing this Appeal is condoned.

12. The Registry is directed to register the First Appeal within a period of two weeks.
13. Application is disposed.

First Appeal Stamp No. 1801/2022

1. Heard.
2. The Appellants are directed to serve the copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of four weeks and file an affidavit of service with tangible proof in this Court by the next date.
3. List the matter on 15/11/2022.

[ABHAY AHUJA, J.]