

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

CIVIL APPLICATION [CAF] NO.103 OF 2022 IN
FIRST APPEAL ST. NO.3838 OF 2021

[Suryabhan Letu Atram (Kolam) .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anurag Mankar, Advocate for the appellant,
Shri M.A. Kadu, AGP for respondent nos.1 and 2,
Shri Rahul Tajne, Advocate for respondent no.3.
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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 07/09/2022.

Present application is filed by the applicant-appellant for condonation of delay in filing the first appeal. There is a delay of 3030 days.

2. The learned counsel for the applicant-appellant submitted that as the appellant was disabled due to his financial incapacity, appeal could not be filed within limitation. His land was acquired for the purpose of building a lake project and even after passing of judgment by the reference court on 30.08.2011, but the amount of compensation came to be deposited on 10.08.2020. The amount of compensation deposited after substantial delay.

3. Learned counsel for the respondents vehemently opposed the application.

4. It is also informed by the learned counsel for the appellant that he is claiming parity as his land

which was acquired is adjacent to the land, wherein the award of the reference court is satisfied as there was no appeal filed by the respondents. As such, I am inclined to allow the application subject to condition that the appellant will not claim any interest for the delayed period if the amount of compensation is enhanced by this Court. The learned counsel for the appellant submits that he will not claim any interest on the amount of compensation for the period i.e. 10.08.2020 till filing of appeal i.e. 21.02.2021. It is true that the principal amount was deposited by the respondents is very meagre amount of compensation i.e. Rs.14,500/- per hectare. The appellant is tribal and having only land which was acquired by the government.

5. As such, I am satisfied that the delay caused in filing appeal needs to be condoned, subject to undertaking given by the appellant that he will not claim any interest from 10.08.2020 till filing of appeal i.e. 21.02.2021, if compensation is enhanced by this Court. As such, the delay is condoned. Registry is directed to register the first appeal. The appellant is not entitled for any interest as aforesaid on the enhanced compensation.

Application stands disposed of.

[Smt. M.S. Jawalkar, J.]