

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

Civil Application (F) No.4446/2019 in First Appeal St No.5451/2019

Yashwant and others V The State of Maharashtra and others

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

Court's or Judge's Orders

Mr. A.R. Ingole, Advocate for the applicants.
Mr. T.M. Zaheer, Advocate for non-applicant no.3.
Mr. M.A. Kadu, AGP for non-applicants no.1 and 2.

CORAM : ABHAY AHUJA, J.
DATE : 15-09-2022

Heard.

2. By this application, the applicant is seeking condonation of delay of 472 days in filing the appeal against the judgment and award dated 18-08-2017 passed by the Civil Judge, Senior Division, Amravati in Land Acquisition Case No.62/2011. The learned Counsel for the applicant draws attention of this Court to paragraphs 2 and 3 of the application to explain the delay.

3. Mr. Ingole, learned Counsel for applicant/appellant submits that the limitation for filing the First Appeal expired on 18-11-2017 and after receiving the knowledge of the impugned judgment, the appellants applied for the certified copies on 13-09-2017, which was received by their local counsel on 21-09-2017. Learned Counsel submits that the applicants are the poor cultivators and not conversant with the procedural aspects of Courts of law and also stricken by illiteracy and poverty. He

submits that therefore the delay caused in filing the appeal be condoned.

4. The learned Counsel for respondent no.3 otherwise submits to the orders of this Court except to state that the Appellant be directed to waive the interest during the delayed period.

5. The learned AGP for the State has no objection if the application is allowed.

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

7. The delay of 472 days in filing this appeal is condoned.

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

9. The application stands allowed subject to waiver of interest for the delayed period

10. Application stands disposed in the above terms.

First Appeal St No.5451/2019

List the matter on 29-09-2022.

(Abhay Ahuja, J.)