

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

Civil Application (F) No.1157/2019 in First Appeal St. No.8140/2017

Santosh Mundhe and another 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. S.P. Pawar, Advocate, Advocate for applicants.

Mr. M.A. Kadu, AGP for non-applicants no.1 and 3.

Mr. T.M. Zaheer, Advocate for non-applicant no.2.

CORAM : ABHAY AHUJA, J.

DATE : 26-09-2022

Heard.

2. By this application, the applicant is seeking condonation of delay of 987 days in filing the Appeal against the judgment and award dated 24-04-2014 passed by the Civil Judge, Senior Division, Buldhana in Land Acquisition Case No.115/2007. The learned Counsel for the applicants draws attention of this Court to paragraphs 2 and 3 of the application to explain the delay.

3. Mr. Pawar, learned Counsel for applicants submits that the applicants are the poor agriculturists therefore they could not approach the lawyer to file Appeal against the impugned order. He further submits that when the appellants approached the local Counsel, the said Counsel took considerable time and thereafter the appellant no.1 himself was not keeping well and finally in the month of March 2017, the Appeal came to be lodged. He would submit that in the interest of justice the delay be condoned and the Appeal be heard on merits as the appellants have a good case on merits.

4. The learned Counsel for respondent no.2 otherwise submits to the orders of this Court except to state that the Appellants be directed to waive the interest during the delayed period.
5. The learned AGP for the State subscribes to the submissions made by learned Counsel for respondent no.2.
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 987 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.8140/2017

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 two weeks and file an affidavit of service with tangible proof in this Court by the next date.
3. List the matter on 14-11-2022.

(Abhay Ahuja, J.)