

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

CIVIL APPLICATION (F) NO.441 OF 2020

IN

FIRST APPEAL (ST.) NO.22265 OF 2019

{Smt. Vandana Sadanand Jadhav ..**Vrs.**.. The State of Maharashtra and
Ors.}

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

Court's or Judge's order

Shri S. Alaspurkar, Advocate for the Appellant/Applicant.
Shri M. A. Kadu, AGP for the Respondent Nos.1 and 2.
Shri I. Khisti, Advocate for the Respondent No.3.

CORAM : ABHAY AHUJA, J.

DATE : 15th SEPTEMBER, 2022.

. This is an application seeking condonation of delay of 970 days in filing the appeal against the judgment and award dated 09.12.2016 passed by the Civil Judge Senior Division, Amravati, in Land Acquisition Case No.131 of 2009.

2. Shri Alaspurkar, learned counsel for the appellant submits that in-fact the claim for construction has not been considered by the Reference Court, and therefore, the challenge. On the ground of delay, Shri Alaspurkar, learned counsel for the appellant draws the attention of this Court to paragraphs 6 to 9 of the application to submit that in-fact the respondent nos.4 to 6, who are the brothers of the appellant being their married sister, had undertaken to take care of the acquisition proceedings, but failed to do so and therefore, it is only in the second week of September-2019 when an inquiry was made that the appellant became aware that the judgment and award had already been passed. It is only thereafter, that

she took steps to consult an Advocate at Nagpur to file this appeal.

3. Ms Khisti, learned counsel for the respondent no.3/Acquiring Body registers her objection stating that interest for the delayed period may be waived by the appellant. Shri Kadu, learned Assistant Government Pleader for the respondent nos.1 and 2 has no formal objection.

4. None for the respondent nos.4 to 6 though served.

5. Having heard the learned counsel for the parties and having perused the papers and proceedings in the matter, this Court is of the view that there is sufficient cause made out for condoning the delay in filing the first appeal. Let the delay of 970 days in filing the appeal be condoned. Registry to register the appeal within a period of two weeks. The application accordingly stands disposed of.

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6. Let the memo of appeal alongwith annexures be served upon the respondents within a period of four weeks and an affidavit of service with tangible proof be filed in this Court by the next date.

7. List the appeal on **17.10.2022.**

(JUDGE)

TAMBE