

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**935 CIVIL APPLICATION NO.2439 OF 2023
IN FAST/4591/2021**

**NAYANSUKH MOTILAL GANDHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Applicants : Mr. Ishwar K. Wagh h/f.
Mr. Kumar Gaurav M. More**

**AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Respondent No. 3 : Mr. G. S. Khaire h/f.
Mr. S. S. Dande**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 30.08.2023

PER COURT :

1. Heard learned counsel for the parties.
2. The learned counsel for the applicants submits that the delay of (1010) days is caused on account of their land being compulsorily acquired and that their only source of income was from the land which was acquired. The compensation amount by the Reference Court is meagre and that they would suffer an irreparable loss. They are poor labourer and they have no source of independent income. There was also prevalent pandemic situation after the decision of the Reference Court, and they had to obtain money from the friends and relatives to file the First Appeal.

3. Learned AGP for respondents-State and learned counsel for respondent No. 3 oppose the application.

4. For the reasons stated in the application, Civil Application is allowed. The delay of (1010) days in filing the First Appeal is condoned, subject to the condition that the applicants would not be entitled for the interest for the delayed period. The Civil Application is disposed off accordingly.

6. Appeal be registered after removal of office objections, if any.

(ARUN R. PEDNEKER)
JUDGE

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shp/-