

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

**953 CIVIL APPLICATION NO.5074 OF 2023
IN FAST/4711/2023**

**PRAKASH SAKHARAM MADKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND ORS**

...
Advocate for Applicant : Mr. A.H. Koralkar h/f. Mr. V.D. Bhise
AGP for Respondents 1 to 3 : Mr. A.B. Chate
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 07/09/2023**

PER COURT :

1. The first appeal is filed for enhancement of compensation along with the application for condonation of delay of 1613 days caused in filing the first appeal.
2. The learned counsel for the appellant/applicant submits that the applicant is the poor agriculturist labourer and old aged person. The land of the applicant was acquired under compulsory acquisition. The acquired land was the only source of income of the applicant. He submits that after acquisition of land and house of applicant, the applicant shifted to another place for work and therefore, the applicant was completely unaware about filing of the first appeal. The learned counsel submits that when the applicant came to his village for funeral of relative, he got knowledge to file appeal for enhancement. Thereafter he came to the office of advocate, arranged court fee and filed the present appeal. The learned counsel submits that the delay caused is not intentional and the same may be condoned in the interest of justice.

3. The learned counsel further submits that in the identical facts, situation, this Court subject to waiver of interest for the delay period, has condoned the delay in may matters.

4. The learned AGP opposed the delay condonation application on the ground that the delay is huge.

4. In view of the above and in the interest of justice, the delay of 1613 days caused in filing the appeal is condoned, subject to condition that the appellant shall not claim interest for the above delay period. Application is allowed and disposed of.

5. First appeal is **admitted**. The learned AGP waives service of notice for respondent Nos. 1 to 3 after admission.

6. All office objections to be removed within four weeks.

[ARUN R. PEDNEKER J.]

ssc/