

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

**CIVIL APPLICATION NO.3749 OF 2020
IN
FIRST APPEAL STAMP NO. 6071 OF 2018**

Shankar Namdev Rathod & Ors.

... Applicants

VERSUS

The State Of Maharashtra & Anr.

... Respondents

...
Miss. Purnima A. Salve h/f Mr. S. J. Salunke Advocate for the Applicants
Mrs. M. A. Deshpande, AGP for the Respondents/State

...
CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.02.2023

PER COURT :

. Heard.

2. The applicants seek to condone the delay of 1846 days caused in filing the first appeal.

3. Learned advocate appearing for the applicants submits that the applicants have lost their agricultural land on account of acquisition by the respondent-State. They have not received adequate compensation and even the reference court has not granted adequate compensation to them. Hence, they filed an appeal seeking enhancement of compensation. The delay caused in filing the appeal is not intentional. It is on account of the reasons that stated in Paragraph Nos.5 to 8 of the application.

4. Learned AGP opposed the prayer for delay condonation on the ground that the delay is not properly explained. In alternative, she

submits that in case the delay is condoned, the applicants shall not be entitled to claim the interest for the delay period.

5. Considering the reasons stated in the application from Paragraph Nos.5 to 8, it appears that applicants were prevented from filing the appeal because of communication gap with their dealing advocate before the reference court.

6. In that view of the matter, the application is allowed. The delay of 1846 days caused in filing the first appeal is condoned. However, the applicants shall not be entitled to claim the interest for the delay period in case of enhancement of compensation in the appeal.

7. The appeal be registered.

8. On registration, appeal be posted for admission in regular course.

(S. G. CHAPALGAONKAR, J.)

Sameer