

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 CIVIL APPLICATION NO.7332 OF 2023
IN FAST/11262/2023

KAMALBAI YESHWANT SHINDE DIED THR LRS JAYWANT YASHWANT
SHINDE AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI PROJECT
HATNOOR AND ANR

...
Advocate for Applicants : Mr. V. B. Patil
AGP for Respondents-State : Mrs. R. P. Gour
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 04/09/2023

PER COURT :

Heard the learned Advocate Mr. V. B. Patil for the applicants.

2. The appellants in the first appeal has filed first appeal along with the application for condonation of delay of 4112 caused in filing the first appeal. The learned Advocate for the applicants submits that the applicants are small land holders and their lands are compulsorily acquired for a public purpose, and they do not have any other source of income. The applicants are poor agriculturists and not in a position to pay the court fees and expenses so as to file an appeal. The delay caused is not intentional, deliberate and no malafide on the part of the

applicants.

3. The learned for the applicants further submit that the delay of 4112 days caused in filing First Appeal be condoned subject to the waiver of the interest for the said period and that no harm or prejudice will cause to the respondents, in the event the interest is waived for the aforesaid period.

4. For the reasons stated in the application, the application for condonation of delay is allowed subject to the condition that the applicants/appellants would not claim any interest for the period of delay.

5. In view of the above, the application is disposed of.

6. First Appeal is **Admitted.**

(ARUN R. PEDNEKER, J.)

vj gawade/-.