

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

**CIVIL APPLICATION NO.7535 OF 2019
IN FAST/17190/2018**

**GABAN RAMSING VANJARI
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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Ms Sakshi Kale, Advocate h/f Mr. A. B. Kale, Advocate for applicant

Mrs. M. A. Deshpande, AGP for respondent Nos.1 to 3

Mr. A. B. Dhongade, Advocate for respondent No.4

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 23.02.2023

PER COURT :-

Heard.

2. This is an application seeking condonation of delay of 324 days caused in filing the appeal against the judgment and award dated 02.05.2017 passed by the Reference Court in L.A.R. No.87/2008.

3. The learned Advocate appearing for applicant submits that the applicant has lost his land on account of acquisition. He has been inadequately compensated. The delay caused in filing the appeal is unintentional. He has not derived any advantage out of such delay.

4. The learned Advocate appearing for respondent No.4 strongly opposes the prayers to condone the delay. He would point out that no particular reasons for such delay are mentioned in the application. The contents of application are vague. In absence of plausible explanation, delay may not be condoned. In the alternative, he submits that in case the delay is condoned, the applicant shall not be entitled for interest for the period of delay.

5. I have considered the arguments advanced by learned Advocates. For the reasons stated in the application particularly in para Nos. 2 to 4, the delay of 324 days deserves to be condoned. However, the applicant shall not be entitled to claim the interest for the period of delay in case the appeal is allowed and enhanced amount of compensation is granted.

6. The civil application is allowed in aforesaid terms. The delay of 324 days caused in filing the appeal is condoned.

7. Appeal be registered.

[S. G. CHAPALGAONKAR, J.]

SMS