

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

**22 CIVIL APPLICATION NO.609 OF 2018
IN FAST/18816/2017**

**BHASKAR BABASAHEB DANGAT
VERSUS
THE EX. ENGINEER, L.D.P.D. SELU, NOW EX. ENGINEER, IRRI.
DIV. JALNA AND ORS**

Mr. Vilas M. Hambe, Advocate for the applicant
Mr. D. P. Madkar, Advocate h/f Mr. D. S. Manorkar, Advocate for
the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2023

P. C.

1. This is an application seeking condonation of delay of 1527 days caused in filing the appeal for enhancement by the original claimant. Reasons assigned for delay is financial constraints.

2. Learned advocate for the applicant relies upon the judgment reported in (2014) 14 SCC 127 in the case of Dhiraj Singh (Dead) through LRs and others Vs State of Harayana and others. He also relied upon the judgment reported in 2022 SCC Online SC 1184 in the case of Amanullah Khan Vs State of

Harayana and another. In both the judgments it is held that rights of the parties cannot be defeated on the technical grounds for the delay.

3. Learned advocate for the respondents vehemently opposes the application stating that financial constraints cannot be said to be reason for condonation of delay. There is nothing to indicate as to what prevented the appellant from approaching this court within limitation.

4. Considering the submissions and the judgments, this court finds that delay needs to be condoned. Hence, the application stands allowed. The delay stands condoned.

5. To balance equity the applicant shall not be entitled for interest on delayed period, if the appeal is allowed in favour of the applicant.

[KISHORE C. SANT, J.]