

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

**CIVIL APPLICATION NO.13245 OF 2017  
IN FAST/18826/2017**

**RAMCHANDRA DHONDIBA GHAYAL  
VERSUS**

**THE EX. ENGINEER, L.D.PD. SELU, NOW EX. ENGINEER, IRRI.  
DIV. JALNA AND ORS**

....

Mr. V. M. Humbe, Advocate for applicant

Mr. U. P. Giri, Advocate for respondent No.1

Mrs. M. A. Deshpande, AGP for respondent Nos. 2 and 3

....

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

**DATE : 23.02.2023**

**PER COURT :-**

Heard.

2. This is an application seeking condonation of delay of 1822 days caused in filing the appeal against the judgment and award dated 12.03.2012 passed by the Reference Court in L.A.R. No.967/2010.

3. The applicant contends that he lost his agricultural land due to compulsory acquisition. He has not been adequately compensated. He seeks enhancement of compensation. He has good grounds in appeal. The delay caused in filing the appeal is not intentional, but on account of reasons which are specified in para Nos. 2, 3 and 6 of the application.

4. Learned Advocate appearing for respondent No.1 vehemently opposed the application. He submits that there is no plausible explanation for condonation of delay. In alternative, he submits that if delay is condoned the applicant shall not be entitled to claim interest for the period of delay.

5. It appears that the applicant has lost his agricultural land. He is claiming enhancement of compensation. The delay caused in filing the appeal is explained in para No.6 of the application. The applicant states that because of financial crises, he could not approach this Court in time.

6. Considering the reasons stated in the application, more particularly paragraph 6 and the nature of dispute, the delay deserves to be condoned subject to condition that the applicant shall not be entitled to claim interest for the period of delay in case his appeal is allowed and enhanced compensation is granted.

7. The civil application is allowed in aforesaid terms.

8. Appeal be registered.

**[ S. G. CHAPALGAONKAR, J. ]**

SMS