

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

**CIVIL APPLICATION NO.9465 OF 2019
IN FAST/18153/2018**

**UTTAM DAULAT KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

....

Mr. A. H. Koralkar, Advocate for applicant

Mr. S. B. Yawalkar, AGP for respondent Nos. 1 and 2.

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 23.02.2023

PER COURT :-

Heard.

2. This is an application seeking condonation of delay of 819 days caused in filing the appeal challenging the judgment and award dated 01.01.2016 passed by the Reference Court in L.A.R. No.1577/2010.

3. The learned Advocate appearing for the applicant submits that the applicant has lost his land due to compulsory acquisition undertaken by the respondents. However, he has not been adequately compensated. He would submit that after passing of the award, due to financial difficulties he could not approach

this Court within the limitation. The delay caused in filing the appeal is not intentional. The applicant has not derived any advantage by making such delay.

4. The learned AGP appearing for respondent Nos. 1 and 2 vehemently opposed the application stating that no plausible explanation is given to condone the huge delay. He would submit that if the delay is condoned, the applicant shall not be entitled to claim interest for the period of delay.

5. Considering the reasons stated in para Nos. 2 to 5 of the application and the nature of dispute, it is just and proper to condone the delay, however, with the condition that the applicant shall not be entitled to claim interest for the delayed period.

6. The civil application is allowed. The delay of 819 days caused in filing the appeal, is condoned.

7. Appeal be registered.

[S. G. CHAPALGAONKAR, J.]

SMS