



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**943 CIVIL APPLICATION NO. 12880 OF 2022
IN FAST/23583/2022**

KARBHARI PREMRAO MHASKE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA THR DISTRICT COLLECTOR,
JALNA AND ORS

.....Respondent

...

Advocate for Applicant : Mr. Rakhunde Pravin B.
AGP for Respondents-State : Mrs. M. L. Sangit
Advocate for Respondent No.3 : P. R. Karpe

...

(CORAM : ARUN R. PEDNEKER, J.)

Dated: December 14, 2023

PER COURT :

1. The present application is filed for condonation of delay of 2698 days caused in filing the appeal. The learned Advocate for the applicant submits that the claimants are poor agriculturists and their lands are compulsorily acquired for public project. The applicant was not having knowledge about the decision of trial Court dated 17/01/2015. After the knowledge, due to ill health applicant could not approached to the Advocate within time. Thereafter due to pandemic situation applicant failed to approach to the Advocate. The applicant is

illiterate agriculturists. Due to lack of knowledge and weak financial condition and other reasons the delay is caused in filing the appeal, and the same is not intentional. The learned Advocate for the respondent opposes the application for condonation of delay.

2. The learned Advocate for the applicant further submits that delay be condoned subject to the condition that he would not claim interest or statutory benefits for the delay period.

3. In view of the above, application is allowed and the delay caused in filing the first appeal is condoned subject to the condition that appellant shall not claim interest or statutory benefits for the delay period.

4. The appeal is **admitted**.

5. After admission, the learned AGP waives service of notice on behalf of respondents-State and learned Advocate Karpe waives service of notice on behalf of respondent No.3 Acquiring Body.

(ARUN R. PEDNEKER, J.)

vj gawade/-.