

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CIVIL APPLICATION NO.2821 OF 2020
IN FAST/25214/2018

OMPRAKASH SHIVLAL AGARWAL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER
M.I.W. JALGAON AND ANR

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Advocate for Applicant : Mr Y.R. Neb h/f Mr Ajeet B.Kale
AGP for Respondent No.1/State : Mr S.J. Salgare
Advocate for Respondent No. 2 : Mr S.B. Kadu

CORAM : S.G. CHAPALGAONKAR, J.
DATE : 24-02-2023

PER COURT :

1. The applicant seeks to condone the delay of 580 days caused in filing the appeal against the award passed by the Civil Judge, Senior Division, Jalgaon in LAR No. 378/2003.
2. The learned advocate appearing for the applicant submits that the delay caused in filing the appeal is not intentional. He invites attention of this Court to the reasons mentioned in para Nos. 2 to 4 and would submit that the delay needs to be condoned.
3. The learned advocate appearing for the respondents opposed to condone the delay on the ground that the delay has not been properly explained. In alternative, he would submit that in case the delay is condoned, the applicant shall not be entitled to claim the interest for the delayed period.

4. Having considered the submissions of the learned advocates appearing for the respective parties and reasons specified in para Nos. 2 to 4 of the civil application, the application is allowed. The delay of 580 days caused in filing the appeal is condoned subject to condition that the applicant shall not be entitled to claim the interest for the period of delay in case his prayer for enhancement of compensation is accepted by this Court in Appeal. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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