

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

**CIVIL APPLICATION NO.16797 OF 2022
IN
FIRST APPEAL (ST) NO. 25005 OF 2022**

**PUSHPABAI SANJAY WAGH AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALGAON AND
ORS**

...
Advocate for Applicants : Mr. Patil Vijay Bhalerao
AGP for Respondents/State: Mr. P. M. Kulkarni
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22.06.2023

PER COURT :

1. This application is moved seeking condonation of delay of 1334 days caused in filing the appeal against the judgment and order dated 23/10/2018 passed by the Civil Judge, Senior Division, Jalgaon in L.A.R. No.7/2015.

2. Mr. Patil, the learned Advocate for the applicants would submit that, after passing of award by the Reference Court, the acquiring body has shown interest in settling the matter before the Reference Court/Executing Court. Even such prayer was made in Regular Darkhast No.225/2019, however ultimately, such settlement is not given finality. He would also submit that, the delay caused in filing the appeal is not intentional. He would further point out the reasons as mentioned in Paragraph Nos.5 to 13 of application to contend that, sufficient cause is made out to condone the delay.

3. Although acquiring body is served with the notice of this application, none appeared before this Court.
4. The learned AGP opposes the prayer for condonation of delay.
5. Having considered submissions advanced and pleadings in application and more particularly in Paragraph Nos.5 to 13 of application, sufficient cause is made out to condone the delay. Hence, application is allowed. The delay of 1334 days caused in filing the appeal is condoned. However, the claimants shall not be entitled to claim the interest for the period of delay in case of grant of enhanced compensation in the appeal.
6. Civil Application is, accordingly, disposed of.

(S. G. CHAPALGAONKAR, J.)

Sameer