

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.2224 OF 2020
IN FAST/27637/2018

BHAGWAN DATTU KALWADKAR AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr Laxmikant C.Patil
AGP for Respondent Nos. 1 and 3/State : Mr S.J. Salgare
Advocate for Respondent No. 2 : Mr D.R. Jethliya

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

PER COURT :

1. Heard.
2. The learned advocate for the applicants submits that the delay in filing the appeal has been caused on account of reasons mentioned in para Nos. 3 to 6 of the application. The applicants have not derived any advantage by making the delay. The applicants have lost their agricultural lands on account of compulsory acquisitions. They have not been adequately compensated. They have good ground in appeal for enhancement of compensation.
3. The learned advocate appearing for the respondent No. 2 vehemently opposed the application stating that the delay has not been properly explained. The financial difficulties cannot be a reason for condonation of delay. In alternative, he submits that if the delay is condoned, the applicants shall not be entitled to claim the interest for the delayed period.

4. Having considered the reasons mentioned in the application and submissions advanced before this Court, it is just and proper to condone the delay of 1772 days caused in filing the appeal, however, on condition that the applicants shall not be entitled to claim the interest for the delayed period, in case their appeal for enhancement of compensation is allowed. The delay is condoned.

5. The civil application is allowed in above mentioned terms

6. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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