

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

**CIVIL APPLICATION NO.16814 OF 2022
IN FAST/27346/2022**

**GANESH NAMDEV MUNDHE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA
AND ORS**

...

Mr. S. M. Kakde, Advocate for the Applicant.

Mr. A. B. Chate, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31st JULY, 2023.

PER COURT:-

1. By this application, the applicant seeks to condone the delay of 1759 days caused in filing the appeal seeking enhancement of compensation against the Award passed by the Reference Court.

2. Mr. Kakde, learned Advocate appearing for the applicant submits that the applicant has lost agricultural land, however, adequate compensation is not paid to him. Even, the Reference Court ignored the material evidence and passed inadequate award. He would submit that on account of poverty and illiteracy, the applicant could not file the appeal within time. The delay caused in filing appeal is not intentional. He would further submit that the applicant is ready to give up the interest and statutory benefits for the delayed period.

3. Mr. Chate, learned AGP for the respondent submits that there is no sufficient cause to condone the huge delay. However, if Court condoned the delay, the condition as stipulated above may be imposed.

4. Having considered the submissions advanced and nature of litigation, it would be appropriate to condone the delay subject to certain condition. Hence, the following order:-

ORDER

a. Civil Application is allowed subject to condition that the applicant submits an undertaking within a period of twelve weeks from today with the Registrar (Judicial) of this Court that he shall not claim interest and statutory benefits for the delayed period.

b. On furnishing of such undertaking, the appeal be registered subject to removal of other office objections.

c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE