

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.2208 OF 2020
IN FAST/29563/2018

CHANDRABHAGABAI KASHINATH PATIL
VERSUS
THE SPECIAL LAND ACQ. OFFICER
M.I.W. JALGAON AND ANR

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Advocate for Applicant : Ms Sakshi Kale h/f Mr Ajeet B.Kale
AGP for Respondent No.1/State : Mr S.B. Yawalkar
Advocate for Respondent No. 2 : Mr A.B. Dhongade

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicant is seeking to condone the delay of 635 days caused in filing appeal against the Judgment and award passed by the Civil Judge, Senior Division, Jalgaon in LAR No. 347/2003.
3. The learned advocate appearing for the applicant submits that the delay caused in filing the appeal is unintentional. The applicant has lost her agricultural land on account of compulsory acquisitions of the property. He would further invite attention of this Court to para Nos. 2 to 4 of the application mentioning the reasons for the delay.
4. The learned advocate for the respondent vehemently opposed the prayer to condone the delay. In the alternative, he submits that if the delay is condoned, the applicant shall not be entitled to claim the interest for the period of delay.

5. Having considered the submissions advanced by the learned advocate appearing for the respective parties, the reasons mentioned in para Nos. 2 to 4 of the civil application, it is just and desirable to condone the delay subject to condition that the applicant shall not be entitled to claim the interest for the delayed period if her prayer for enhancement of compensation is accepted by this Court in appeal.

6. The civil application is accordingly allowed. The delay of 635 days caused in filing the appeal is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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