

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO.2807 OF 2020
IN FAST/32480/2018

BALU RUDRAPPA KASNALE
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...

Advocate for Applicant : Mr B.M. Dhanure
AGP for Respondent No. 1 : Mr S.J. Salgare

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

PER COURT :

1. Heard.
2. The applicant seeks to condone the delay of 1540 days caused in filing the appeal against the Judgment and award passed by the Reference Court at Latur in LAR No. 297/2002.
3. The learned advocate appearing for the applicant submits that the applicant has lost his agricultural land. He has not been adequately compensated. He has filed appeal seeking enhancement of compensation. He would submit that the delay caused in filing the appeal is on account of reasons mentioned in para Nos. 3 to 6 of the application. Accordingly, he prays to condone the delay.
4. The learned AGP appearing for respondent No.1 opposes the prayer to condone the delay. However, he submits that in case the delay is condoned, the applicant shall not be entitled to claim the interest for the period of delay.

5. Though the notice of this application has been duly served upon the respondent No.2, no appearance is caused.

6. Considering the reasons stated in the application and the nature of the lis, the delay deserves to be condoned subject to condition that the applicant shall not claim the interest for the delayed period, in case his prayer for enhancement of compensation is granted by this Court.

7. The civil application is allowed. The delay of 1540 days caused in filing the appeal is condoned subject to condition as stated above.

8. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

mta