

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO.6144 OF 2019
IN FAST/34172/2018

VITHAL BABASAHEB WAGHMODE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr Laxmikant C.Patil
AGP for Respondent Nos. 1 and 2 : Mr S.B. Yawalkar
Advocate for Respondent No. 3 : Mr Dhiraj 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. 3 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 1479 days caused in filing the delay, 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 and disposed of.

6. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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