

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO.6152 OF 2019
IN FAST/36573/2018

SHAIKH MOHAMAD SHAIKH GULAB
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr Shaikh h/f Mr Vitthal B.Wayal
AGP for Respondent No.1/State : Mr S.B. Yawalkar

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. The applicant is seeking condonation of delay of 1352 days caused in filing appeal against the Judgment and award passed by the 5th Jt. Civil Judge, Senior Division, Aurangabad in LAR No. 248/2007.
2. It is the contention of the applicant/claimant that the delay is unintentional. He has not derived any advantage out of the delay. The applicant has lost his agricultural land on account of compulsory acquisitions. He is not adequately compensated. He has good ground in appeal.
3. The learned AGP appearing for respondent Nos. 1 and 2 opposes the application stating that the applicant has not given sufficient reasons to explain the huge delay caused in filing the appeal. In alternative, he submits that if the delay is condoned, the applicant shall not be entitled to claim the interest for the delayed period.

4. Considering the nature of dispute and fact that the applicant has filed an appeal seeking enhancement of compensation, it would be just and desirable in the interest of justice to condone the delay subject to condition that the applicant shall not be entitled to claim the interest for the delayed period.

5. The civil application is accordingly allowed. The delay of 1352 days caused in filing appeal is condoned subject to condition as stated above. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

mta