

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.3746 OF 2020
IN FAST/38728/2018

DADARAO BHAURAO NALWADE AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr S.P. Sonwane h/f Mr P. P. More
AGP for Respondent Nos. 1 and 2/State : Mr S.J. Salgare

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. Heard.
2. The applicants seek to condone the delay of 546 days caused in filing the appeal against the Judgment and award passed by the Reference Court in LAR No. 899/2011.
3. The learned advocate appearing for the applicants submits that the delay caused in filing appeal is not intentional, but it is on account of reasons stated in para Nos. 3 to 6 of this application. He would submit that the applicants are the agriculturists and they have lost their agricultural lands on account of compulsory acquisitions. They are not adequately compensated. They have good grounds in appeal.
4. The learned AGP appearing for respondent Nos. 1 and 2/State opposes the application on the ground that the reasons are not sufficient

to condone the delay. In alternative, he submits that the applicants shall not be entitled to claim the interest for the delayed period. Though notice of this application has been duly served upon respondent No.3, no appearance is caused before this Court.

5. Having considered the submissions advanced by the learned advocate appearing for the respective parties and the reasons mentioned in para Nos. 3 to 6 of the application, the delay deserves to be condoned subject to condition that the applicants shall not be entitled to claim the interest for the delayed period.

6. The civil application is accordingly allowed and disposed of.

7. The delay of 546 days caused in filing the appeal is condoned subject to condition as stated above.

8. The Appeal be registered.

[S.G. CHAPALGAONKAR, J.]

mta