

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CIVIL APPLICATION NO.2199 OF 2020
IN FAST/39343/2018

GOVIND DUDHARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. Ajeet B. Kale
Advocate for Respondents : Mr. Mr. Jethliya Dhiraj R.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 19TH JULY, 2023

ORDER :-

1. By this application, the applicants are seeking to condone the delay of 1403 days caused in filing the appeal. The learned counsel for the applicant submits that the applicant has lost his agricultural land. However, he has not received the just compensation. He further submits that even the Reference Court did not consider the evidence adduced to show market value of the property. He, therefore, submits that for the reasons stated in the application, the delay needs to be condoned.

3. Mr. Jethaliya, learned counsel for respondent opposes the submission. According to him, the reasons as assigned in para.2 to 4 of the applicant do not constitute sufficient cause. In the alternative, he submits that if this court is considering to condone the delay, the claimant may not be permitted to claim interest on enhanced compensation amount, if any.

4. Having considered the submissions advanced, and the reasons stated in para.2 to 4, sufficient cause is made out to condone the delay. Even it is to be observed that the applicant is litigating for getting appropriate compensation towards his acquired land.

5. Hence, the order

O R D E R

[I] Civil application is allowed.

[ii] Delay of 1403 days caused in filing the first appeal is condoned subject to condition that in case compensation is enhanced in the appeal, he shall not claim interest for the delayed period. The application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-