

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO.841 OF 2020
IN FAST/38770/2019

DHONDU DASHRAT JAGTAP (DIED)
THR LRS BHAUSAHEB DHONDU(DHONDIBA) JAGTAP
VERSUS
STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr Nikhil P. Ghanwat
AGP for Respondent No.1/State : Mr S.J. Salgare

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

PER COURT :

1. The applicant seeks to condone the delay of 490 days in filing appeal against the Judgment and Award passed by the Reference Court in LAR No.1039/2010 dated 03-05-2018.

2. It is the contention of the applicant that the delay caused in filing the appeal is not intentional. The applicant has lost his agricultural land. He has been inadequately compensated. He seeks enhancement of compensation by way of present appeal. The learned advocate for the applicant further invites attention of this Court to the reasons stated in para No. 2 of the application and prayed that delay be condoned.

3. The learned AGP appearing for respondent No.1 opposes the application stating that the reasons mentioned in para No. 2 of the application are not sufficient to condone the delay of 490 days. He would submit that in case this Court condones the delay, the applicant shall not be entitled to claim the interest for the delayed period.

4. Having considered the submissions advanced by the learned advocates for the parties, the delay deserves to be condoned on condition that the applicant shall not be entitled to claim the interest for the delayed period.
5. The delay of 490 days in filing the first appeal is condoned subject to condition as stated above.
6. The civil application is allowed and disposed of.
7. The appeal be registered.

[S.G. CHAPALGAONKAR, J.]

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