

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

**CIVIL APPLICATION NO.2214 OF 2020
IN
FIRST APPEAL STAMP NO. 39559 OF 2018**

Umardaraj Ajmoddin Shaikh Died
Thr Lrs Haidar Pasha Umardaraj
Shaikh & Ors.

... Applicants

VERSUS

The State of Maharashtra & Ors.

... Respondents

...
Mr. Shaikh Shoyab, Advocate for the Applicants
Mr. S. J. Salgare, AGP for the Respondents/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.02.2023

PER COURT :

. Heard.

2. The applicants seek to condone the delay of 1843 days caused in filing the first appeal.

3. Learned advocate appearing for the applicants submits that the applicants are the rustic villagers. They have lost their agricultural land. They are not adequately compensated and even the reference court has not granted the enhanced compensation as claimed. Because of weak financial condition and other circumstances, they could not file appeal in time. The delay is unintentional.

4. Learned AGP appearing for the respondent/State vehemently opposed the application contending that the financial difficulties cannot be ground to condone the delay. In alternative, he submits that in case the delay is condoned, the applicants shall not be entitled to claim the interest for the period of delay.

5. After considering the reasons stated, particularly in Paragraph Nos.2 & 3 of the application, it appears that the applicants were not in position to file the appeal in time. They are rustic villagers. The contents of the application are not converted on behalf the respondents.

6. In that view of the matter, the delay of 1843 days caused in filing the first appeal is condoned. However, the applicants shall not be entitled to claim the interest for the period of delay, in case enhanced compensation awarded in the appeal.

7. The civil application is allowed in the aforesaid terms and the same is disposed of accordingly.

8. The appeal be registered. On registration of the appeal, the matter be posted for the admission in regular course.

(S. G. CHAPALGAONKAR, J.)