

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.296/2020
IN
SECOND APPEAL ST. NO.684/2020

Sheikh Hamid Sheikh Fakru
Vs.
The Collector, Yavatmal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Prachi Joshi, Advocate h/f Shri G.N. Khanzode, Advocate
for applicant
Shri K.L. Dharmadhikari, AGP for respondents

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 20/04/2023

The present application is filed for condonation of delay in filing Second Appeal. It is submitted that the applicant was not aware that the appeal was to be preferred within 90 days. As economical condition of the applicant was also not good, as such, he could not sought the appropriate guidance for preferring the appeal. Another reason as per the applicant is that he was under impression that after receiving an amount, he would take appropriate decision to prefer an appeal, however till date, no amount as per modified award is received. In that process, 627 days is caused in filing the appeal.

2. The learned AGP opposed the application.
3. However, for the reason stated for delay, I am satisfied that there is no intentional or deliberate delay. This fact is not denied by learned AGP that

appellant has not received enhanced amount of compensation. As such delay is duly explained. At the most, the applicant will not be entitled for interest for delayed period. The applicant shall not claim any interest for the delayed period. Accordingly, the application is allowed. The delay in filing the Second Appeal is hereby condoned.

4. The Registry is directed to register the Second Appeal.

5. The application stands disposed of accordingly.

JUDGE

R.S. Sahare