

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

C. A. F. NO. 997 OF 2023

IN

FIRST APPEAL (STAMP) NO. 1027 OF 2023

Devchand S/o Harichandra Zalte vs. The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt. Kalyani Vaware, Advocate h/f. Shri. Rohit P
Masurkar, Advocate for applicant.

Smt. Trupti Udeshi, AGP for respondent Nos.1 and 3.

Shri. Vinay Rathi, Advocate h/f. Shri. Purushottam Patil,
Advocate for respondent No.2.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 08/06/2023

This is an application seeking condonation of delay of 297 days in filing the first appeal. It is contended that the applicant is illiterate person and residing in a remote place, hence, there is delay in filing first appeal.

2. The application is opposed by respondent State, as well as acquiring body. However, it is submitted that if delay is condoned, it may be subject to waiver of interest for the delayed period. Learned counsel for the applicant have no objection for the same.

3. Accordingly, application is allowed. The delay of 297 days in filing first appeal is hereby condoned, subject to applicant waived the interest on the enhanced compensation for the said delayed period.

4. Registry is directed to register the First Appeal.

First Appeal No. _____/2023

Heard.

2. **Admit.**

3. Learned AGP waives notice on behalf of respondent Nos.1 and 3. Learned counsel Shri. Purushottam Patil, waives notice on behalf of respondent No.2.

4. Call for Record and Proceedings.

5. Learned counsel for the appellant to file private paper book **within 10 weeks.**

JUDGE