

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 1004 OF 2023
IN
FIRST APPEAL (ST.) NO. 1125 OF 2023

DAULAT S/O. OMKAR WAKODE

...VERSUS...

THE STATE OF MAHARASHTRA THR. DISTRICT COLLECTOR, BULDHANA AND ORS.

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

Court's or Judge's order

Ms. Kalyani Waware, Advocate h/f. Shri R.P.Masurkar, Advocate for
applicant/appellant.
Shri P.B. Patil, Advocate for respondent no. 2.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 12th JUNE, 2023

Heard.

2. The present application is filed for condonation of delay of 297 days in filing First Appeal.

3. It is contended that due to poor financial condition, the appellant was not able to pay the Court fees. Moreover, on 21/03/2020, the lockdown was declared due to outbreak of Covid-19 pandemic. In view thereof, the delay is caused.

4. Though the learned counsel for respondent no. 2 vehemently opposed the application, I am satisfied that there is justifiable reason for delay. There is no intentional or deliberate delay. In view thereof, I am inclined to allow the application, subject to the condition that, the appellant/applicant will not entitle to receive interest on enhanced compensation as well as statutory compensation for the delayed period. As such, the application is allowed.

5. Delay in filing First Appeal is hereby condoned, subject to condition that, the appellant/applicant will not claim any interest on the enhanced compensation or statutory compensation for the delayed period.
6. Registry is directed to register the First Appeal.
7. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar