

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

CIVIL APPLICATION (CAF) NO. 2605/2022 F.A. ST. NO. 1795/2022

Mahesh S/O Shridharrao Jagtap

Vs

The State Of Maharashtra Through The Collector, Yavatmal And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr S.V. Ingole, advocate for the applicant/appellant.

Ms T.H. Udeshi, AGP for the respondent Nos. 1 and 2.

Ms I.P. Khisti, advocate for the respondent Nos. 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/04/2023.

1. The present application is for seeking condonation of delay which is caused in preferring the appeal against the judgment and award passed by the learned Joint Civil Judge, Senior Division, Yavatmal in LAC No. 764/2012.

2. The ground raised by the applicant is that he is a poor agriculturist, and his land is already acquired by the Government, as he has not received the compensation amount within time, he could not file the appeal due to financial constraints. Moreover, the appellant is an illiterate villager and was not aware about the legal implications and therefore could not file the appeal by contacting his counsel.

3. The said application is strongly opposed by the learned advocate Ms I.P. Khisti for the respondent Nos. 3

and 4 and Ms T.H. Udeshi, learned AGP for the respondent Nos. 1 and 2 on the ground of delay is not properly explained.

4. Heard both the sides. Perused the application.

5. In view of the reasons mentioned in the application and considering the objection raised, it is apparent that the delay is caused mainly on the ground that he is not received the compensation amount and could not arrange for the Court fee to prefer an appeal, which appears to be just and reasonable cause. Considering that appellant is claiming compensation under beneficial legislation and therefore, the opportunity is to be granted to him to litigate his cause on merits. Therefore, to do substantial justice, delay deserves to be condoned. In view of that delay is condoned, subject to the waiver of the interest for 742 days.

Civil Application is disposed of.

First Appeal St. no. 1795/2022

1. First Appeal be registered.

2. **Admit**

3. Call for record and proceedings.

4. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.

5. Ms I.P. Khisti, learned advocate waives service of notice on behalf of respondent Nos. 3 and 4.
6. Appellant to file private paper-book within a period of eight weeks after receipt of record and proceedings.
7. Appeal be placed before the Court after filing of private paper-book and its verification, as per its own turn.

JUDGE