

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

CIVIL APPLICATION (CAF) NO.311 OF 2023
IN
FIRST APPEAL STAMP NO.3012 OF 2022

Sindhubai w/o Narayan Shipurkar through her Power of Attorney Holder Shri
Niranjan s/o Govindrao Shirpurkar

Vs.

The State of Maharashtra through Collector, Nagpur and others

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

Court's or Judge's orders

Mr. K. L. Dharmadhikari, AGP for respondent No.1.
Mr. A. M. Kukday, Advocate for the respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/03/2023

This application is for condonation of delay of 289 days which is caused in preferring the appeal.

As per the contention of the appellant that she is old aged lady of 71 years and was not keeping well therefore she could not approach to the counsel for preferring the appeal. Now she has executed Power of Attorney in favour of her nephew Niranjan Govindrao Shirpurkar. The delay is caused as she could not approach to the counsel due to her ailment. Thus, there is sufficient and reasonable cause for condonation of delay.

Said application is opposed by learned AGP as well as learned Advocate Mr. Kukday appearing for the acquiring body on the ground that delay is not

properly explained.

In view of the reasons mentioned in the application and in view of the well settled legal position that while considering the delay application liberal approach is to be taken. Delay of 289 days is condoned, subject to the waiver of the interest, if applicant succeeds enhancing the amount of compensation for the delayed period.

Civil Application is disposed of.

Appeal be registered.

FIRST APPEAL OF 2023

Heard.

Admit.

Learned AGP waives notice for respondent No.1.

Learned Advocate Mr. Kukday waives notice for respondent Nos.2 and 3.

Call for record and proceedings.

Paper book is dispensed with.

Place the matter after receipt of the record and proceedings, at the admission stage, at the end of admission board, after four weeks.

Appellant to supply the relevant copies to the respondents.

(URMILA JOSHI-PHALKE, J.)

(3)

33.caf.311.2023

Sarkate