

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

CIVIL APPLICATION (O) NO.576 OF 2022

IN

CROSS OBJECTION (ST) NO.2996 OF 2022

IN

FIRST APPEAL NO.1061 OF 2018

[Bhaskar Pralhad Patil and Anr. ..V/s.. The State of Maharashtra and Ors.]

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

Court's or Judge's order

Mr R. P. Masurkar, Advocate for Cross-Objectors
Mr K. D. Kadasne, Advocate for Respondent Nos.2.
Mr M. A. Kadu, AGP for Respondent Nos.1, 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18th APRIL, 2023.

. Heard.

2. Present application is for condonation of delay of 505 days, which is caused in preferring the cross-objection.

3. As per the contention of the cross-objectors, the cross objectors are poor agriculturist and also illiterate persons not aware of the legal intricacies, and therefore, they could not get the knowledge regarding filing of the cross-objection. In fact, the Reference Court has awarded the inadequate compensation, and therefore, they ought to have filed the cross-objection within time. However, due to the inadequate knowledge about the legal proceedings and limitation, they could not file the cross-objection.

4. The said application is strongly opposed by Mr Kadasne, learned Advocate raising that the delay is not properly explained, and hence, delay deserves to be rejected. Learned AGP Mr Kadu

reiterated the same contention and prayed for rejection of the application.

5. Heard both the sides. Perused the application. Considering the reasons mentioned in the application and it is well settled principle that while considering the delay condonation application, the liberal approach is to be taken to do the substantial justice. However, considering the inordinate delay, the delay is to be condoned subject to the waiver of the interest, if cross-objectors succeed in enhancement of the compensation.

6. In view of the above, the application is allowed and delay of 1337 days is condoned. Cross-objection be registered and numbered accordingly.

7. Civil application is disposed of.

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8. Heard.

9. **Admit.**

10. Learned AGP waives notice for respondent Nos.1, 3 and 4 and learned Advocate Mr Kadasne waives notice for respondent No.2.

11. Stand over after vacation.

JUDGE