

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

CIVIL APPLICATION (O) NO.609 OF 2023

IN

CROSS OBJECTION (ST) NO.3011 OF 2022

IN

FIRST APPEAL NO.108 OF 2017

[Sunil Bhagwan Patil .V/s.. The Special Land Acquisition Officer 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. Masurkar, Advocate for Applicant/Cross Objector
Ms T. H. Udeshi, AGP for Respondent Nos.1 and 4.
Mr K. D. Kadasne, Advocate for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

. Application is for condonation of delay of 1158 days, which is caused in preferring the cross objection.

2. The ground raised by the cross objector is that he is the poor agriculturist and could not prepare to pay the Court fee stamp, as compensation amount was not received by him. He has no source of income, as his land was already acquired by the Government.

3. The said application is strongly opposed by the learned Advocate Mr Kadasne for respondent Nos.2 and 3 on the ground that the delay is not properly explained. Learned Assistant Government Pleader endorsed the same contention.

4. Perused the application and reasons mentioned therein. It is well settled that while considering the delay condonation application, the liberal approach is to be taken to do the substantial justice. Here in the present case, claimant is claiming the enhanced amount of compensation under the beneficial

legislation. He cannot be deprived from raising the right of enhancement of the compensation for technical reasons. In view of the that the application for delay deserves to be allowed subject to the waiver of interest on compensation amount, if cross objector succeeds in enhancement of the compensation.

5. In view of the above, application is allowed and the delay of 1158 days is hereby condoned. Cross objection is admitted and taken on record.

6. The civil application is disposed of.

FIRST APPEAL NO.108 OF 2017

7. Appellants to file the private paper-book within ten weeks. Appeal be placed before the Court after filing of the paper-book and its verification, as per its own turn.

JUDGE.