

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

CIVIL APPLICATION (CAF) NO.2514 OF 2022
IN
FIRST APPEAL STAMP NO.3656 OF 2022

Raosaheb Nanaji shende (Dead) through legal heirs 2) Lalita wd/o Raosaheb Shende
and others

Vs.

The State of Maharashtra, through the Collector, Wardha 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. P. S. Kshirsagar, Advocate for appellants.
Mr. K. L. Dharmadhikari, AGP for respondent Nos.1 and 2.
Mr. Neelesh Gaidhane, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2023

1. Present application is seeking for condonation of delay which is caused in preferring the First Appeal against the Judgment and Award passed by 2nd Joint Civil Judge Senior Division, Wardha.

2. As per the contention of the appellants they are poor agriculturist and not aware about the legal intricacies. Moreover, due to the acquisition of land, they were facing financial crisis and, therefore, they could not file appeal within time and delay of 227 days is caused in preferring the appeal.

3. The said application is strongly opposed by the learned Advocate Mr. Gaidhane for the respondent No.3 and learned AGP Mr. Dharmadhikari for the

respondent Nos.1 and 2 on the ground that delay is not properly explained.

4. Heard learned Advocate Mr. Kshirsagar for the appellants. He submitted that the reasons mentioned in the application are satisfactory and delay is not intentional one. Whereas learned Advocate Mr. Gaidhane for respondent No.3 vehemently submitted that delay is not properly explained by the appellants and, therefore, delay application deserves to be rejected.

5. Heard both the sides. Perused the application.

6. Considering the reason mentioned in the application that the claimants/appellants were facing financial crisis due to the acquisition of the land and there was no other source of income available to them. They could not manage the amount for paying the Court fee stamp and, therefore, delay of 227 days is caused appears to be satisfactory and reasonable one.

7. In view of that, delay deserves to be condoned subject to the waiver of the interest for the delayed period.

8. In view of that, application is allowed. Delay is condoned.

9. Appeal be registered.

FIRST APPEAL STAMP NO.3656 OF 2022

1. Heard.
2. **Admit.**

3. Learned AGP Mr. Dharmadhikari waives notice for respondent Nos.1 and 2.
4. Learned Advocate Mr. Gaidhane, waives notice for respondent No.3.
5. Call for record and proceeding.
6. Appellants to file paper book within ten weeks, after receipt of the record and proceedings.
7. Appeal be placed after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate