

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

CIVIL APPLICATION (CAF) NO. 3352/2019 IN
FIRST APPEAL ST. NO. 5100/2019

Bhimrao Namdeorao Sawarkar (Dead) Thr. Lrs. Smt. Sumanbai
Bhimrao Sawarkar And Others

Vs

The State Of Maharashtra Through Collector, Amravati
And Others

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

Court's or Judge's Order

Ms Krishna Patel, advocate h/f Mr S.S. Shingane, advocate for
the appellants.

Mr M.A. Kadu, AGP for the respondents.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/05/2023.

1. Heard.
2. The present application is for seeking condonation of delay on the ground that the land of the appellants were acquired under the compulsory acquisitions and they are received an inadequate amount of compensation therefore, they could not manage the amount to pay the Court fee Stamp. Moreover they are poor agriculturists and not aware about the legal intricacies, therefore, they could not approach to the counsel to prefer an appeal.
3. The said application is strongly opposed by Mr M.A. Kadu, learned AGP for the respondents on the ground that the delay is not properly explained. Considering the reasons mentioned in the application and it is well settled that while

considering the delay application, a liberal approach is to be taken to do the substantial justice.

4. The reasons mentioned in the application appears to be just and reasonable one, in view of that, a delay of 791 days deserves to be condoned, subject to the waiver of the interest for the delayed period.

5. In view of that, a delay of 791 days in filing the first appeal is condoned.

Civil application is disposed of.

First Appeal St. No. 5100/2019

1. Heard.

2. **Admit.**

3. Call for Record and Proceedings.

4. Mr M.A.Kukday, learned AGP waives service of notice on behalf of respondents

5. Appellants to file private paper-book within a period of ten weeks after receipt of the record and proceedings.

6. Appeal be placed before the Court after filing of private paper-book and its verification as per its own turn.

JUDGE