

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

CIVIL APPLICATION (CAF) NO. 3320/2019 IN
FIRST APPEAL ST. NO. 5887/2019

Sheelabai S/o Nanasaheb Deshmukh Thr. P.O.A. Rupesh S/O Nanasaheb Deshmukh
Vs
Executive Engineer, Bembla Project Division, Yavatmal And Others

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

Court's or Judge's Order

Mr S.V. Ingole, advocate for the appellant.
Mr A.M.Kukday, advocate for the respondent No. 1.
Ms T.H.Udeshi, AGP for the respondent Nos. 2 and 3.

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

1. Heard.
2. The present application is for seeking condonation of delay which is caused in preferring the appeal by appellant for enhancement of the compensation.
3. As per the contention of the appellant, the appellant is a poor agriculturist and not aware about the legal intricacies, and therefore, he could not approach the counsel for preferring the appeal. It is further contended that as the land the appellant was already acquired by the Government under the compulsory acquisition, therefore, he could not manage the amount as he has no source of income and therefore, he could not prefer an appeal within time.
4. The said application is strongly opposed by the learned advocate Mr A.M. Kukday for the respondent No.1

and Ms T.H. Udeshi, learned AGP for the respondent Nos. 2 and 3 on the ground that the delay is not properly explained.

5. Heard both the sides. Perused the application.

6. Considering the ground raised in the application that the appellant was facing financial crises and the only source of income of the land was acquired by the Government under compulsory acquisition and he could not arrange for the money to pay the Court fee appears to be reasonable and just ground. Moreover, it is well settled that while considering the delay condonation application liberal approach is to be taken, to do substantial justice.

7. In view of the above, the ground mentioned in the application, and considering the inordinate delay, it will be appropriate to condone the delay, subject to the waiver of the interest on the compensation of the amount.

8. In view of that, delay of 491 days is condoned, subject to the waiver of the interest for delayed period. Civil Application is disposed of.

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1. Heard.

2. Admit.

3. Call for record and proceedings.

4. Mr A.M.Kukday, learned advocate waives service of notice on behalf of respondent No. 1.

5. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
6. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.
7. Appeal be placed before the Court after filing of private paper-book and its verification as per its own turn.

JUDGE