

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

CAF NO.3321/2019 AND FA ST.NO.5893/2019

Nanasaheb Shantaram Deshmukh, thr.LRs

..VS..

Executive Engineer, Bembla Project Division, Yavatmal and ors

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

Court's or Judge's Order

.....
Shri D.G.Patil, Counsel for LR's for the Applicant.

None for NA No.1.

Ms T.H.Udeshi, AGP for NA Nos.2 & 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2023

1. This application for condonation of delay is preferred by original claimant for enhancement of compensation. However, delay of 202 days is caused in preferring the appeal.

2. Notices of the application are served upon non-applicants. None appears for non-applicant No.1. Learned Assistant Government Pleader Ms T.H.Udeshi appears for non-applicant Nos.2 and 3/State.

3. Learned counsel Shri D.G.Patil for legal heirs of claimant submits that original claimant died on 6.9.2018. Due to the death of original claimant, his legal heirs were facing financial crisis and, therefore, they could not file the appeal within stipulated time. It is further contention of learned counsel that the claimant was not granted adequate compensation from the acquiring body and, therefore, the appeal is preferred for enhancement of compensation.

4. Learned Assistant Government Pleader Ms T.H.Udeshi for non-applicant Nos.2 and 3/State raises objection on the ground that the delay is not properly explained.

5. Heard and perused the application.

6. It is apparent that the claimant is poor villager, illiterate, and rustic and were not aware about legal provisions and as such the

delay is caused. In this view of the matter, the delay can be condoned subject to waiver of interest on the delayed period.

7. For reasons sated in the application, the application is **allowed**. The delay stands condoned, however the same shall be subject to waiver of interest of the delayed period.

8. Office to register the first appeal and call record and proceedings. The first appeal is **admitted**. Learned counsel for the legal heirs shall file paper book within a period of ten weeks from today. After receipt of record and proceedings, the appeal be placed for its final hearing.

9. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

BHUSHAN
RANA
WANKHEDE

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date:
2023.03.01
15:18:25 +0530