

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

CIVIL APPLICATION (F) NO.901 OF 2023

IN

FIRST APPEAL (ST) NO.5879 OF 2022

[Sau. Shekonabai Mohan Ade ..V/s.. State of Maharashtra and Anr.]

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

Court's or Judge's order

Mr A. B. Darekar, Advocate for Applicant/Appellant.
Ms T. H. Udeshi, AGP for Respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

. By this application, the applicant/appellant is seeking condonation of delay of 861 days, which is caused in preferring the appeal.

2. Ms Udeshi, learned Assistant Government Pleader waives notice for respondent No.1 and Mr Marathe, learned Advocate waives notice for respondent No.2.

3. Application is filed on the ground that the applicant is a rustic villager and not conversant with the legal affairs. He was not aware about filing of the appeal, as he is unaware about the legal intricacies, and therefore, delay is caused in preferring the appeal. The applicant placed reliance on *Imrat Lal and Others ..V/s.. Land Acquisition Collector and Others*, reported in *(2014) 14 SCC 133*.

4. The said application is strongly opposed by the learned Advocate for respondent No.2 on the ground that the delay is not properly explained. Learned AGP endorsed the same contention.

5. Considering the reasons mentioned in the application that the applicant is a rustic villager and in view of the judgment relied upon by the appellant, the delay deserves to be condoned subject to the waiver of the interest.

6. In view of the above, the application is allowed and the delay of 861 days is hereby condoned. Appeal be registered and numbered accordingly.

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7. Heard.

8. **Admit.**

9. Call for Record and Proceedings.

10. Ms Udeshi, learned AGP waives notice for respondent No.1 and Mr Marathe, learned Advocate waives notice for respondent No.2.

11. Appellant to file the private paper-book within ten weeks from today, after receipt of record and proceedings.

12. Appeal be placed before the Court for final disposal, after filing of paper-book and its verification, as per its own turn.

JUDGE.