

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

CIVIL APPLICATION (CAF) NO.3359 OF 2019

IN

FIRST APPEAL STAMP NO.7630 OF 2019

Kisanrao s/o Sakharam Sonone

Vs.

The State of Maharashtra through Collector, Amravati 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. S. V. Ingole, Advocate for appellant.
Ms. T. H. Udeshi, AGP for respondent Nos.1 and 2.
Ms. Mallika Babulkar, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/05/2023

1. Learned AGP Ms. Udeshi, has already waived notice for respondent Nos.1 and 2.
2. Learned Advocate Ms. Mallika Babulkar, holding for learned Advocate Mr. Kadu waives notice for respondent No.3.
3. By this application, the appellant is seeking condonation of delay on the ground that the appellant is poor agriculturist and was facing financial crisis though award was passed in his favour. He could not receive the amount of compensation immediately thereafter. The appellant is not aware about the legal intricacies and, therefore, he could not contact to his counsel to prefer an appeal.

4. The said application is strongly opposed by the learned Advocate Ms. Babulkar for the respondent No.3 on the ground that delay is not properly explained. Learned AGP Ms. Udeshi, for the respondent Nos.1 and 2 endorsed the same contention.

5. Perused the application and the submissions made by both the parties, it is apparent that the appellant is agriculturist and preferred a reference bearing No.12/2014. Though amount of compensation was enhanced but he could not receive the amount of compensation and, therefore, he could not arrange the amount for paying the Court fee. It is well settled that while considering the delay application the liberal approach is to be taken to do the substantial justice. The appellant is claiming the compensation under the beneficial legislation and he cannot be deprived from raising his rights for the technical reasons.

6. In view of that, delay deserves to be condoned subject to the waiver of the interest for the delayed period. In view of that, Civil Application is disposed of and delay is condoned.

7. Appeal be registered.

FIRST APPEAL STAMP NO.7630 OF 2019

1. Heard.

2. **Admit.**

3. Learned AGP Ms. Udeshi, waives notice for respondent Nos.1 and 2.

4. Learned Advocate Ms. Babulkar, waives

notice for respondent No.3.

5. Call for record and proceedings.
6. Appellant to file paper book within ten weeks, after receipt of record and proceedings.
7. Appeal be placed after filing of paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate