

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

CIVIL APPLICATION (CAF) NO.3035 OF 2019

IN

FIRST APPEAL STAMP NO.7640 OF 2019

Vijay s/o Govinda Panchpatre and another

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 applicants.

Mr. M. A. Kadu, AGP for non-applicant Nos. 1 and 2.

Mr. P. B. Patil, Advocate for non-applicant No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/03/2023

1. Present application is for seeking the condonation of delay which is caused in preferring the appeal for enhancement of the compensation.

2. As per the contention of the learned Advocate Mr. Ingole for the applicants that the applicants are illiterate persons and poor villagers, they are unaware about the legal provisions and due to the lack of guidance they have not filed the appeal within time. Therefore, delay of 591 days is caused in preferring the appeal.

3. He further submitted that considering the grounds mentioned in the application regarding their

illiteracy, proper opportunity is to be granted to them to litigate their cause on merits while condoning the delay.

4. Learned Advocate Mr. Patil who is present before the Court and submitted that he is appearing for the respondent No.3 and raised his objection that delay is not properly explained.

5. Learned AGP Mr. Kadu objected the application on the ground that delay is not properly explained.

6. Heard both sides. Perused the application.

7. In view of the reasons mentioned in the application and considering that applicants have filed the appeal for enhancement of the compensation as their land is acquired by the Government by compulsory acquisition. It is well settled that while considering the delay application liberal approach is to be taken to do the substantial justice.

8. In view of that Civil Application is disposed of by condoning the delay of 591 days, subject to the waiver of the interest, in case the applicants succeeds in enhancement of the compensation.

9. Appeal be registered.

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1. Heard.
2. **Admit.**
3. Learned AGP Mr. Kadu, waives notice for respondent Nos.1 and 2.
4. Learned Advocate Mr. Patil, waives notice for respondent No.3.
5. Appellants to file paper book within eight weeks.
6. Call for record and proceeding
7. Appeal be placed after filing of the paper book, its verification.
8. Place the matter, after paper book is filed, its verification.

(URMILA JOSHI-PHALKE, J.)

Sarkate