

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL APPLICATION (CAF) NO. 3037/2019 IN
FIRST APPEAL STAMP NO. 7646/2019

Shankarrao S/O Bajirao Raut Thr. P.O.A. Vijay S/O Shankarrao Raut

Vs

The State Of Maharashtra Through Collector, Amravati 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, counsel for appellant.

Mr M.A. Kadu, AGP for the respondent Nos. 1 and 2.

Mr A.M. Kukday, counsel for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/03/2023.

1. By preferring civil application, the appellant who is the original claimant is seeking condonation of delay which is caused in preferring the appeal against the judgment and award passed by the 3rd Joint Civil Judge, Senior Division, Amravati in LAC No. 23/2014.

2. As per the contention of the appellant that, he is an agriculturist and his land was acquired by the Government under compulsory acquisition. The appellant is facing a financial crisis and could not file the appeal within time. Now, he is received the compensation amount. Therefore, a delay of 452 days is caused in preferring the appeal.

3. Mr A.M. Kukday, learned counsel for respondent No.3 has strongly objected for the condonation of delay as the delay is not properly explained.

4. Mr M.A. Kadu, learned AGP for the respondent Nos. 1 and 2 reiterated the same contentions.

5. In view of the reasons mentioned in the application, that applicant is a poor agriculturist and facing financial crisis and could not arrange the amount for paying the Court fee. Considering the reason mentioned in the application, the delay is caused in filing the appeal is condoned. Subject to the waiver of interest for the delayed period of 452 on the compensation amount.

Civil Application is disposed of.

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First Appeal be registered.

2. **Admit.**

3. Call for record and proceedings.

4. Mr A.M. Kadu, learned AGP waives service of respondent Nos. 1 and 2.

5. Mr A.M. Kukday, learned counsel waives service of notice on behalf of respondent No.3.

6. Appellant to file private paper-book within a period of eight weeks after receipt of the record and proceedings.

7. Place the matter for final hearing after filing of private paper-book and its verification, as per its turn.

JUDGE