

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

CIVIL APPLICATION (F) NO.2914 OF 2022

IN

FIRST APPEAL (ST) 7293 OF 2022

[Subhash Sheshrao Shende ..V/s.. The State of Maharashtra and Ors.]

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

Court's or Judge's order

Mr Gaurav Gadge, Adv. h/f Mr P. S. Kshirsagar, Advocate for Applicant/Appellant.
Mr M. A. Kadu, AGP for Respondent Nos.1 and 2.
Mr T. M. Zaheer, Advocate for Respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. This application is for condonation of delay, which is caused in preferring the appeal.

2. As per the contention of the appellant, he is the original claimant. His land was acquired by the Government and Land Acquisition Officer has awarded the compensation, which was inadequate, therefore he preferred the reference petition. The Trial Court has also not considered the fertility and potential of his land and awarded inadequate compensation. He was about to challenge the said award, however his Advocate has not informed him about the decision of the Reference Court. Thereafter, son of the claimant has made enquiry and he came to know about the decision of the Reference Court. Thereafter, he approached for certified copy and filed this appeal. Delay of 1833 days is caused in preferring the appeal. There is just and reasonable cause for condonation of delay.

3. Said application is strongly opposed by Mr Kadu, learned

Assistant Government Pleader for the respondent Nos.1 and 2 as well as by Mr Zaheer, learned Advocate for respondent No.3.

4. I have perused the application and the grounds mentioned in the application, the appeal is of a statutory right and he cannot be deprived of from the said right only on technical grounds. It is well settled that while considering the delay application, liberal approach is to be taken to do the substantial justice.

5. In view of the reasons mentioned in the application and as learned Advocate has not informed the applicant, the delay of 1833 days is condoned subject to the waiver of the interest, if applicant succeeds in getting the enhanced compensation.

6. Appeal be registered. Civil Application No.2914 of 2022 is disposed of.

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7. **Admit.**

8. Call for Record and Proceedings.

9. Paper book be filed within eight weeks after receipt of the record and proceedings.

10. Appeal be placed after paper-book is filed, its verification for final hearing, as per its own turn.

JUDGE

TAMBE