

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

CIVIL APPLICATION (CAF) NO. 1531 OF 2022
IN
FIRST APPEAL (ST.) NO. 8800 OF 2021

Tulshidas S/o Krushnaji Gautre

..VS..

State of Maharashtra 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. Karan Bhende, Advocate h/f. Mr. A.S. Dhore, Advocate for applicant.

Ms. Trupti Udeshi, AGP for respondent Nos.1 and 3.

Ms. Mallika Babhulkar, Advocate h/f. Mr. M.A. Kadu, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : APRIL 13, 2023

Present application is for seeking condonation of delay of 1717 days which is caused in preferring the Appeal against the judgment and award passed by the reference Court in L.A.C. No.582/2011.

2. The grounds raised by the applicant is that he is the poor agriculturist having no knowledge about the legal intricacies. Moreover, as the compensation amount was deposited after passing of award, he could not arrange the court fee therefore, delay of 1717 days is caused in preferring the appeal.

3. The application is strongly opposed by the learned Advocate Ms. Babhulkar holding for Mr. M.A. Kadu,

learned Advocate for respondent No.2 on the ground that delay is not properly explained.

4. Learned A.G.P objected the application on the same ground.

5. Heard learned Advocate for the parties. Perused the application. It is apparent that applicant is agriculturist, whose land is acquired by the Government under the compulsory acquisition. The enhanced amount of compensation though awarded by the reference Court, but the applicant is aggrieved the same and preferred this appeal for enhancement of the compensation.

6. Considering the reason that the applicant could not arrange for the court fees stamps therefore delay is caused. It is well settled that liberal approach is to be taken to do the substantial justice. The applicant has claimed the compensation under the beneficial legislation. In view of that substantial opportunity is to be granted to the applicant to litigate his cause on merits, the delay deserves to be condoned subject to waiving interest on delayed period of 1717 days

7. In view of the reasons mentioned in the application, delay of 1717 days is condoned. The applicant/appellant would not be entitled to receive interest if succeeds in the Appeal for the said delayed period.

8. The Civil Application 1531 of 2022 is disposed of.
9. Appeal be registered.

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Admit.

2. Learned A.G.P. waives notice for respondent Nos.1 and 3. Learned Advocate Ms. Babhulkar, waives notice for respondent No.2.
3. Call for record and proceedings.
4. Appellant to file paper book within ten weeks, after receipt of the record and proceedings.
5. Appeal be placed before the Court after filing of the paper book, its verification as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Kirtak