

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

CIVIL APPLICATION (CAF) NO.18 OF 2023
IN
FIRST APPEAL STAMP NO.10413 OF 2022

Shantilal Motilal Jain

Vs.

The State of Maharashtra through the 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. P. S. Kshirsagar, Advocate for appellant.
Ms. T. Udeshi, AGP for respondent Nos.1 and 2.
Mr. Tariq Zaheer, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/03/2023

The present application is for condonation of delay of 36 days.

Learned AGP Ms. Udeshi, appears for respondent Nos.1 and 2. Learned Advocate Mr. Zahir appears for the respondent No.3.

As per contention of the appellant, he has preferred the reference petition as he was aggrieved by the award passed by the Land Acquisition Officer. The Reference Court has also awarded the compensation which is inadequate and, therefore, present appeal is preferred for enhancement of the compensation. However, 36 days delay is caused as the claimant could not arrange the amount for paying the court fee. The delay is not intentional one.

The said application is strongly opposed by the learned AGP as well as learned Advocate for the respondent No.3 on the ground that delay is not properly explained.

In view of the reasons mentioned in the application and considering that claimant is claiming the compensation under the beneficial legislation, opportunity is to be granted to him to litigate the cause on merits. To do the substantial justice, the delay of 36 days is condoned.

Civil Application is disposed of.

Appeal be registered.

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Heard.

Admit.

Learned AGP waives notice for respondent Nos.1 and 2.

Learned Advocate Mr. Zaheer, waives notice for respondent No.3.

Call for record and proceedings.

Appellant to file paper book within ten weeks, after receipt of the record and proceedings.

Appeal be placed after filing of the paper book, its verification as per its own turn.

(URMILA JOSHI-PHALKE, J.)