

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

CAF NO.1838/2022 IN FA ST.NO.11207/2022

Chakradhar Ramchandra Tasare and anr

..VS..

State of Mah., thr.Collector, Amravati and anr

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

Court's or Judge's Order

.....
Shri C.A.Babrekar, counsel for applicants.

Shri M.A.Kadu, AGP for non-applicant No.1.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/03/2023

1. This is an application by claimants for condonation of delay caused in filing the appeal for enhancement of compensation. Delay is of 779 days.

2. As per contentions of claimants, on 17.5.2018 they applied for certified copy of judgment and award passed by learned Judge below. The copy was received on 4.6.2018. However, they were not having source of income to pay Court Fee and hence they have not preferred the appeal within time. Now, they have received compensation amount and, therefore, they have approached to this Court along with the Court Fee. As such, the delay is caused and, therefore, they pray that the application be allowed.

3. As per the non-applicants, the delay is not properly explained and, therefore, the application be rejected.

4. Admittedly, applicants are agriculturists and their land was acquired by the Government. The amount of compensation granted is adequate. It is apparent that satisfactory reasons are assigned by applicants. Taking liberal approach to do substantial

justice the delay can be condoned subject to waiver of interest for the delayed period.

5. For reasons stated in the application, the application is **allowed**. The delay stands condoned, however the same shall be subject to waiver of interest for the delayed period. Office to register the first appeal. The appellants to remove office objections within four weeks.

6. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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