

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

CAF NO.58/2020 IN FA ST.NO.12501/2019

Rajendra s/o Parashram Tarte

..VS..

The State of Mah., thr.Collector, Yavatmal and ors

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

Court's or Judge's Order

.....
Shri D.G.Patil, Counsel for the applicant.

Shri S.R.Agrawal, Counsel for NA No.3.

Shri M.A.Kadu, AGP for NA Nos.1 & 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/03/2023

1. This is an application for condonation of delay caused in filing the appeal filed by the claimant for enhancement of compensation. Delay is of 652 days.

2. It is submitted that the claimant is an agriculturist and is facing financial crisis as his land was acquired by the Government. He has not received compensation and, therefore, he could not arrange the court fees and, therefore, the delay is caused. Further ground raised by the claimant is that he is an illiterate person and was not aware about legal provisions and, therefore he could not approach to counsel for filing of the appeal. Hence, he prays that the delay be condoned.

3. Learned counsel Shri S.R.Agrawal and learned AGP Shri M.A.Kadu for non-applicant Nos.1 and 2 object the application.

4. The land of he claimant is already acquired by the Government. He was not having any source of income and, therefore, could not approach to the counsel.

5. For reasons stated in the application and well settled legal position that a liberal approach is to be taken to do substantial justice, the application is **allowed**. The delay stands condoned, however the same shall be subject to waiver of interest on the delayed period. Office to register the first appeal.

6. The first appeal is **admitted**.

7. Record and proceedings be called for.

8. Paper book be filed within eight weeks.

9. Learned counsel Shri S.R.Agrawal waives service for respondent No.3 and learned AGP Shri M.A.Kadu waives service for respondent No.1 and 2.

10. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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