

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

CIVIL APPLICATION (F) NO.346 OF 2023

IN

FIRST APPEAL (ST) NO.13562 OF 2022

[Krishna S/o Tanba Bhivgade ..V/s.. The Executive Engineer 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 S. V. Ingole, Advocate for Applicant/Appellant.

Mr Lule, Advocate for Respondent No.1.

Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18th APRIL, 2023.

1. Present application is for condonation of delay of 181 days, which is caused in preferring the appeal. The appeal is filed by the original claimant for enhancement of the compensation.

2. As per the contention of the applicant/appellant, his land is already acquired by the respondent, and therefore, he became landless. He has no source of income, and therefore, he could not arrange the amount to pay the court fees stamp. The ground further raised by the appellant is that he is poor agriculturist and was facing financial crisis, therefore he could not arrange the amount, hence delay of 181 days is caused, which is sufficient and reasonable cause.

3. Learned Advocate for respondent No.1 raised the objection on the ground that the delay is not properly explained. Learned Assistant Government Pleader has also raised the strong objection by endorsing the same contention.

4. In view of the reasons mentioned in the application, the

delay deserves to be condoned subject to the waiver of interest for 181 days.

5. In view of the above, civil application is allowed. Delay of 181 days is condoned. Appeal be registered and numbered accordingly.

6. The civil application is disposed of accordingly.

FIRST APPEAL (ST) NO.13562 OF 2022.

7. Heard.

8. **Admit.**

9. Call for Record and Proceedings.

10. Learned Advocate Mr Lule waives notice for respondent No.1. Learned Assistant Government Pleader waives notice for respondent Nos.2 and 3.

11. The appellant is permitted to file the private paper-book within ten weeks after receipt of record and proceedings.

12. Place the matter before the Court for final hearing after filing of private paper-book, its verification as per its own turn.

JUDGE