

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

CIVIL APPLICATION (CAF) NO. 347/2023 IN
FIRST APPEAL ST. NO. 13581/2022

Raghunath S/O Manohar Annaji Khot

Vs

The Executive Engineer, Gosikhurd Project, Nagpur And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr S.V.Ingole, counsel for the applicant/appellant

Mr Lule, counsel for the respondent No.1.

Mr. M.A. Kadu, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/04/2023.

1. The present application is for condonation of delay of 159 days which is caused in preferring the first appeal.
2. Mr Lule, learned counsel waives service of notice on behalf of respondent No.1
3. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
4. As per the contention of the applicant, he was facing financial crises and could not make the arrangement for Court fees, therefore, the appeal is not filed within time. Another reason mentioned by the applicant is that due to Covid pandemic situation, he could not approach the Court and he had no other source of income during that period, therefore, he could not

arrange the amount for paying the Court fee. Thus reasons mentioned in the application are just and reasonable and requested for condonation of delay.

5. The said application is strongly opposed by the learned counsel for respondent No.1 and learned AGP for respondent Nos. 2 and 3, on the ground that the Covid pandemic is over long back. There is no sufficient and reasonable cause for condonation of delay alternatively, he submitted that if this Court comes to the conclusion that there is sufficient and reasonable cause, the delay be condoned, subject to the waiver of the interest.

6. Heard both the sides. Perused the application.

7. In view of the reasons mentioned in the application, considering that the land of the appellant was acquired by the Government and the compensation amount was paid at a later stage. Therefore, the appellant could not arrange the amount of the Court fee. However, considering the respondent's to pay the interest at a higher rate at the rate of Rs.15% and considering the same, delay is condoned, subject to the waiver of the interest of 159 days which is caused by preferring the appeal.

Civil application is disposed of.

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First Appeal be registered.

2. Admit.
3. Call for record and proceedings,
4. Mr Lule, learned counsel waives service of notice on behalf of respondent No.1.
5. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
6. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.
7. The appeal be placed before the Court after filing of private paper-book and its verification, as per its own turn.

JUDGE