

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

CIVIL APPLICATION (CAF) NO.351 OF 2023
IN
FIRST APPEAL STAMP NO.13587 OF 2022

Bharat s/o Shyamdeo Nimbalkar

Vs.

The Executive Engineer, Gosikhurd Project, Nagpur 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. S. V. Ingole, Advocate for applicant.

Mr. K. L. Dharmadhikari, AGP for non-applicant Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/03/2023

This is an application for condonation of delay of 182 days. This appeal is preferred by the applicant for enhancement of the compensation.

As per the contention of the applicant that he is poor agriculturist and could not manage the amount for paying the deficit court fee stamp, therefore delay of 182 days is caused in preferring the appeal.

Said application is strongly opposed by the learned AGP Mr. Dharmadhikari, on the ground that delay is not properly explained.

In view of the reasons mentioned in the application and in view of the well settled principle that while considering the delay application liberal approach is to be adopted to do the substantial justice. Delay of 182 days is condoned, subject to the waiver of the

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interest for delayed period, if the applicant succeeds in the present appeal.

Civil application is disposed of.

Appeal be registered.

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Heard.

Admit.

Learned AGP Mr. Dharmadhikari, waives notice for respondent Nos.2 and 3.

Call for record and proceedings.

Appellant to serve the respondent No.1.

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

Appeal be placed after service of the respondent No.1, filing of the paper book, its verification, for final hearing as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate