

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

CIVIL APPLICATION (F) NO.11 OF 2020

IN

FIRST APPEAL (ST) NO.15416 OF 2019

[Panjab S/o Damodhar Gawande ..V/s.. The State of Maharashtra 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 D. G. Patil, Advocate for Applicant/Appellant.

Ms T. H. Udeshi, AGP for Respondent Nos.1 and 2.

Ms M. Babhulkar, Adv. h/f Mr M. A. Kadu, Advocate for Respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

1. Present application is for condonation of delay of 1163 days, which is caused in preferring the appeal against the judgment and award passed by the Civil Judge Senior Division, Darwha. By preferring this appeal, appellant is claiming enhancement of the compensation, however delay of 1163 days is caused in preferring the appeal.

2. The application is filed on the ground that the appellant is the poor agriculturist and not aware about the legal intricacies. Moreover, due to the acquisition of land, he was facing financial crisis, and therefore, he could not arrange the amount to pay the Court fee stamp. Recently, he has received the compensation and now, he is prepared to pay the Court fee stamp. He further submitted that delay caused in preferring the appeal is satisfactory and reasonable, therefore the delay be condoned.

3. The said application is strongly opposed by respondent No.3 on the ground that the delay is not properly explained. Learned Assistant Government Pleader endorsed the same

contention.

4. Heard both the sides. Perused the application. It is apparent that the appellant has filed this application for condonation of delay alongwith the appeal. By this appeal, the appellant claimed the enhanced compensation amount. The reason mentioned in the application appears to be just and reasonable. As the facts on the record that his land was already acquired by the Government under the compulsory acquisition and compensation amount was not paid to him immediately, therefore he could not prepare for the Court fee stamp. In view of that the delay deserves to be condoned subject to the waiver of interest for the delayed period on compensation amount.

5. In view of above, the application is allowed and delay of 1163 days is hereby condoned subject to the claimant is not entitled to receive any interest for the delayed period, if he succeeds in enhancement of the compensation. Appeal be registered and numbered accordingly.

6. The civil application is disposed of.

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7. Heard.

8. **Admit.**

9. Call for Record and Proceedings.

10. Ms Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2 and Ms Babhulkar holding for Mr Kadu, learned Advocate waives notice for respondent No.3.

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

12. Appeal be placed before the Court for final disposal, after filing of the paper-book and its verification, as per its own turn.

JUDGE.