

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

CIVIL APPLICATION (F) NO.1042 OF 2023

IN

FIRST APPEAL (ST) NO.14119 OF 2022

[Prakash s/o Uttamrao Kulkarni (dead) thr LRs and Anr. ..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 S. V. Ingole, Advocate for Applicants/Appellants.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

. Present application is for condonation of delay of 2237 days, which is caused in preferring the appeal.

2. Ms T. H. Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2 and Mr T. M. Zaheer, learned Advocate waives notice for respondent No.3.

3. The application is filed on the ground that the appellants are the poor agriculturist and not aware about the legal intricacies. Moreover, due to the acquisition of land, they were facing financial crisis, and therefore, they could not arrange the amount to pay the Court fee stamp. Recently, they have received the compensation and now, they are prepared to pay the Court fee stamp. They further submitted that delay caused in preferring the appeal is satisfactory and reasonable, therefore the delay be condoned.

4. 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.

5. Heard both the sides. Perused the application. It is apparent that the appellants have filed this application for condonation of delay alongwith the appeal. By this appeal, the appellants claimed the enhanced compensation amount. The reason mentioned in the application appears to be just and reasonable. As the facts on the record that their land was already acquired by the Government under the compulsory acquisition and compensation amount was not paid to them immediately, therefore they 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.

6. In view of the above, the application is allowed and delay of 2237 days is hereby condoned subject to the claimants are not entitled to receive any interest for the delayed period, if they succeed in enhancement of the compensation. Appeal be registered and numbered accordingly.

7. The civil application is disposed of.

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8. Heard.

9. **Admit.**

10. Call for Record and Proceedings.

11. Ms Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2 and Mr Zaheer, learned Advocate waives notice for respondent No.3.

12. Appellants to file the private paper-book within ten

weeks, after receipt of record and proceedings.

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

JUDGE.