

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

CIVIL APPLICATION NO.249 OF 2023

IN

FIRST APPEAL (ST.) NO.15128 OF 2022

(Shamrao Ashanna Gorlewar (dead) thr. L.R's and ors. Vs. The State of Maharashtra & ors.)

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

Court's or Judge's Order

Shri A.R. Chavhan, Advocate for the appellants.
Ms Udeshi, AGP for the State.
Shri T. Zaheer, Advocate for respondent No.3.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 20, 2023.

Heard.

2. The application is for condonation of delay which is caused in filing the appeal.

3. Shri Zaheer, learned Counsel for respondent No.3 and Ms Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2, waive notice.

4. As per the contention of the applicant that he preferred this appeal for enhancement for compensation. His land is already acquired by the Government. After acquisition of the land he has no source of income, and therefore, he could not arrange the fund for paying the court fee. He has to incur the expenses for education of the children, and therefore, he could not manage the amount, therefore the delay is caused.

5. Shri Zaheer, learned Counsel raised the objection that the delay is not properly explained.

6. Learned Assistant Government Pleader endorsed the same contentions.

7. Considering the reasons mentioned in the application it appears that the land of the appellant is already acquired under the compulsory acquisition. After acquisition of the land inadequate compensation was awarded to him, therefore, he preferred the reference petition. Though reference Court has enhanced the amount of compensation, the compensation amount was not immediately release in his favour, and therefore, he could not manage the amount to pay the Court fee and to challenge the award.

8. The reasons mentioned in the application appears to be just and reasonable one.

9. In view of that delay deserves to be condoned.

10. Hence, the delay of 111 days is condoned subject to the waiver of the interest for the delayed period.

11. The civil application is disposed of.

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Heard.

2. Appeal be registered.

3. **ADMIT.**

4. Shri Zaheer, learned Counsel for respondent

No.3 and Ms Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2, waive notice.

5. Call for R. & P.

6. The appellant to file private paper book within a period of eight weeks after receipt of R. & P.

7. Place the matter for final hearing after filing of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*