

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

CIVIL APPLICATION (CAF) NO. 737/2023 IN FIRST APPEAL
STAMP NO. 15735/2022

Santosh S/O Bala Derkar(Dead)Through L.Rs. Smt. Kasubai Wd/O. Santoshrao Derkar
 (Dead) And Others

Vs

The State Of Maharashtra Through Department Of Irrigation Mumbai Through Its
 Secretary. 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.P. Kshirsagar. , advocate for the applicants.

Mr. M.A.Kadu, AGP for the respondent Nos. 1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/04/2023.

1. Heard.
2. The present application is for condonation of delay which is caused in preferring the appeal against the judgment and award passed by the learned Reference Court in L.A.C. No. 160/1997 dated 22/07/2016.
3. As per the contention of the applicants, they are poor agriculturists and not aware about the legal intricacies, and therefore, they could not file the appeal in time.
4. The applicants are also made a statement that they are ready to waive the interest for the delayed period.
5. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondents Nos. 1 and 2.
6. None is present for respondent No.3, though the notice is served upon them.

7. In view of the reasons mentioned in the application and considering that the liberal approach is to be taken to do substantial justice, a delay of 1452 days is condoned, subject to the waiver of the interest for the delayed period.

Civil application is **disposed of**.

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

JUDGE