

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

CIVIL APPLICATION (CAF) NO.2540 OF 2022 IN
FIRST APPEAL STAMP NO.17908 OF 2019

Krushna S/o Santoshrao Salve

Vs.

The Collector, through Special Land Acquisition Officer, 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.

Shri Vipul Bhise h/f Rahul Dhande Advocate for applicant.
Shri V.P. Maldhure, Advocate for non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JANUARY 18, 2023.

By this application, the applicant is seeking condonation of delay, which is caused in filing the appeal against the judgment and award passed by the learned Joint Civil Judge, Senior Division, Nagpur in L.A.C. No.143/2006.

2. As per the contention of the applicant, the applicant is the owner of the land, which was acquired by the non-applicant no.2. Being aggrieved by the compensation awarded by the Land Acquisition Officer, he was preferred reference. The reference Court has also awarded the compensation amount, which is inadequate one. Therefore, he has challenged the said award, however, delay of 918 days is caused for filing the appeal as the applicant was facing from various ailments and was bedridden.

3. The application is strongly opposed by the non-

applicant no.2 on the ground that delay is deliberate one and no justifiable reason is mentioned in the application. Hence, the application deserves to be rejected.

4. I have heard learned advocates for both sides. Perused the application.

5. The application is supported with the medical certificate. It is well settled that while considering the delay application a liberal and pragmatic approach has to be taken and at the same time as the delay is caused due to the inaction on the part of the applicant. Therefore, he is not entitled for the interest for the delayed period.

6. In view of the reasons mentioned in the application and subject to the waiver of interest for delayed period, delay of 918 days is condoned.

7. The application is disposed of. Appeal be registered.

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8. ADMIT.

9. Shri V.P. Maldhure, learned advocate waives notice for the respondent no.2.

10. Call for record and proceedings.

11. Appellant to file paper book within six weeks.

12. Stand over after six weeks.

JUDGE

Wagh