

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

CIVIL APPLICATION (CAF) NO. 574/2023 IN
FIRST APPEAL STAMP NO.18227/2022

Bhaurao Sardar Chavan

Vs

The State Of Maharashtra, Through Collector, Yavatmal 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 A.R. Chavhan, advocate for the applicant/appellant.

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

Mr M.A. Kadu, advocate for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/04/2023.

1. The present application is seeking for condonation of delay which is caused in filing the appeal.
2. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondents No. 1 and 2.
3. Mr M.A. Kadu, learned advocate waives service of notice on behalf of respondent No.3.
4. Mr A.R. Chavhan, learned advocate for the applicant submitted that the land of the applicant was acquired under compulsory acquisition. Thereafter, he filed a reference but the reference Court has awarded inadequate compensation. The compensation amount was not received by the applicant. The applicant was suffering from heart ailments as his land was already acquired and he could not manage

the amount to pay the Court fee stamp therefore, delay of 144 days is caused.

5. The present application is strongly opposed by learned advocate Mr M.A. Kadu and learned AGP on the ground that the delay is not properly explained.

6. Heard both the sides. Perused the application.

7. Considering the reason that the applicant filed this appeal for the enactment of the compensation as inadequate compensation was awarded to him. Delay is of only 144 days, the applicant claiming the compensation under the beneficial legislation, and hence due opportunity is to be granted to him. To do substantial justice, the delay of 144 days is condoned, subject to the waiver of the interest, if the claimant succeeds in the appeal for enhancement of the compensation.

First Appeal St. No. 18227/2022

1. First Appeal be registered.

2. **Admit.**

3. Call for record and proceedings.

4. Ms learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.

5. Mr MA. Kadu, learned counsel waives service of notice on behalf of respondent No.3.

6. Appellant to file private paper-book within a period of ten weeks after receipt of the record and proceedings.
7. Appeal be placed before the Court after filing of private paper-book and its verification, as per its own turn

JUDGE