

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

CIVIL APPLICATION NO.1008 OF 2022

(Smt. Kamalabai Narayanrao Pawar Vs. VI.D.C. and ors.)

IN

**CROSS-OBJECTION (ST.) NO.19753 OF 2022 IN
FIRST APPEAL NO.1399 OF 2013**

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

Court's or Judge's Order

Shri Vinay Dahat, Advocate for the appellants.
Ms S. Haider, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 11, 2023.

Heard.

2. By this application, the applicants are seeking condonation of delay which is caused in filing the cross-objection.

3. The applicant is the original claimant and filed cross-objection for enhancing the compensation.

4. As per the contention of the applicants, the appellant-acquiring body had already challenged the findings of the Reference Court by preferring an appeal bearing No.1399/2013. Due to paucity of funds, the original claimants could not file the cross-objection, and therefore, delay of 2497 days is caused.

5. There is sufficient and reasonable cause for condonation of delay.

6. Shri Dahat, learned Counsel for the appellants raises strong objection that the delay is deliberate one and no satisfactory reason is mentioned in the application. Hence, the application deserves to be rejected.

7. Heard both the sides and perused the record.
8. It is well settled that while considering the delay application, liberal and pragmatic approach is to be taken and pedantic approach is not appreciated.
9. Considering the fact, that the applicant is old aged lady of 73 years and unaware about the legal provisions hence, delay appears to be caused in filing the cross-objection. However, considering the inordinate delay caused in filing the cross-objection, the applicant has not made a statement that she is ready to waive the interest but delay can be condoned on condition that the applicant has not entitled to receive the interest of the said delayed period, if the cross-objection is allowed. Hence, the following order :

- (i) Civil application is allowed.
- (ii) Delay of 2497 days is condoned on waiver of the interest that is from 13/01/2013 to 29/11/2022.

CROSS-OBJECTION (ST.) NO.19753 OF 2022

Heard.

2. **ADMIT.**
3. Ms S. Haider, learned Assistant Government Pleader waives notice for the State.
3. Place the matter for final hearing on 13/02/2023.

(URMILA JOSHI-PHALKE, J.)

**Divya*