

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

CIVIL APPLICATION (F) NO.1028 OF 2020

IN

FIRST APPEAL (ST) NO.23449 OF 2019

[Wasudeo Ganpat Gorlewar ..V/s.. The State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr A. R. Chavhan, Advocate for Appellant.

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

Mr M. A. Kadu, Advocate for Respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 25th APRIL, 2023.

. Present application is for seeking condonation of delay of 208 days, which is caused in preferring the appeal.

2. As per the contention of the claimant that his land was acquired by the Government and he has no source of income, therefore he could not arrange the amount for paying the Court fee stamp, and therefore, delay of 208 days is caused in preferring the appeal. The another ground raised by the claimant is that he is poor agriculturist was not aware about the legal intricacies, and therefore, he could not approach to the Counsel to prefer an appeal within time.

3. Ms Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2 raised strong objection as well as learned Advocate Mr Kadu for respondent No.3 also raised strong objection that delay is not properly explained.

4. In view of the reasons mentioned in the application and considering that the claimant is poor agriculturist could not arrange the amount due to paucity of fund. The reasons

mentioned appear to be just and reasonable one and delay deserves to be condoned.

5. In view of the above, the application is allowed and delay of 208 days is hereby condoned. Appeal be registered and numbered accordingly.

6. The civil application is disposed of.

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7. Heard.

8. **Admit.**

9. Call for Record and Proceedings.

10. Ms Udeshi, learned AGP waives notice for respondent Nos.1 and 2 and Mr Kadu, learned Advocate waives notice for respondent No.3.

11. Appellant to file the private paper-book within eight weeks, after receipt of record and proceedings.

12. Place the matter before the Court for final hearing, after filing of paper-book and its verification, as per its own turn.

JUDGE.