

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

CIVIL APPLICATION (CAF) NO.1153 OF 2023
IN
FIRST APPEAL STAMP NO.21922 OF 2022

Dhnyandev s/o Sakharam Bondre

Vs.

State of Maharashtra, Through the Collector, Buldana and others

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

Court's or Judge's orders

Mr. S. P. Pawar, Advocate for applicant.
Mr. Tariq Zaheer, Advocate for respondent No.2.
Ms. T. H. Udeshi, AGP for respondent Nos.1 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2023

1. The application is for condonation of delay.
2. Learned AGP Ms. Udeshi waives notice for respondent Nos.1 and 3.
3. Learned Advocate Tariq Zaheer waives notice for respondent No.2.
4. As per contention of the appellant, appellant is poor agriculturist not aware about the legal intricacies and, therefore, he could not file appeal. It is further raised that, he could not get the proper advise from his Counsel and, therefore, he could not file the appeal within time and, therefore, delay of 2333 days is caused in preferring the appeal.
5. The said application is strongly opposed by the learned Advocate Mr. Tariq Zaheer for the respondent

No.2 on the ground that the delay is not properly explained.

6. Learned AGP Ms. Udeshi, for the respondent Nos.1 and 3 endorsed the same contention.

7. In view of the reason mentioned in the application and considering that the land of the appellant was acquired by the Government, he is illiterate agriculturist was not aware about the legal intricacies therefore, he could not file the appeal within time. Considering that, the appellant has filed this appeal for enhancement of the compensation. Appeal is a statutory right. Appellant cannot be deprived from raising his statutory right on technical reason therefore, liberal approach is to be taken.

8. In view of that delay deserves to be condoned subject to the waiver of the interest of 2333 days. In view of that, delay is condoned.

9. Civil application is disposed of.

10. Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned AGP Ms. Udeshi waives notice for respondent Nos.1 and 3.

4. Learned Advocate Mr. Tariq Zaheer waives notice for respondent No.2.

5. Call for record and proceeding.

(3)

35.caf.1153.2023

6. Appellant to file paper book within ten weeks, after receipt of the record and proceeding.

7. Appeal be placed after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate