

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

CIVIL APPLICATION NO.1044 OF 2020

IN

FIRST APPEAL (ST.) NO.24233 OF 2019

(Sheshrao Laluba Doifode Vs. The State of Maharashtra and ors.)

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

Court's or Judge's Order

Shri N.B. Kalwaghe, Advocate for the appellant.
Shri T. M. Zaheer, Advocate for respondent No.3.
Shri K.L. Dharmadhikari, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 21, 2023.

Heard.

2. By this application, the appellant is seeking condonation of delay of 865 days which is caused in filing the first appeal.

3. As per the contention of the appellants that the appellants are the poor villagers, not aware about the legal provisions. Moreover, they were facing financial crisis. Now they have received the compensation amount. For all above these reasons, the delay of 865 days caused in preferring the appeal.

4. Said application is strongly opposed by Shri Dharmadhikari, learned Assistant Government Pleader for respondent Nos.1 and 2 and Shri Zaheer, learned Counsel for respondent No.3.

5. Heard both the sides and perused the record.

6. In view of the reasons mentioned in the application and considering that the claimants have

claimed the compensation under the beneficial peace of legislation and while considering the delay condonation application, liberal approach is to be taken to do the substantial justice.

7. In view of that and considering the delayed period, the delay is condoned subject to the waiver of the interest for the delayed period of compensation amount.

8. Civil application is disposed of.

FIRST APPEAL (ST.) NO.24233 OF 2019

Heard.

2. Appeal be registered.

3. **ADMIT.**

4. Shri Zaheer, learned Counsel for respondent No.3 and Shri Dharmadhikari, learned Assistant Government Pleader for respondent Nos.1 and 2, waive notice.

5. Call for R. & P.

6. The appellant to file private paper book within six weeks after receipt of R. & P.

7. Place the matter for final hearing after filing of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*