

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

CIVIL APPLICATION (F) NO. 56/2021 IN FIRST APPEAL STAMP NO. 25489/2019

(JAGAN RAMBHAU DOLAS & ANOTHER **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri N.B. Kalwaghe, counsel for the applicants.
 Ms T.H. Udeshi, Assistant Government Pleader for the non-applicant nos.1 and 3.
 Ms Anjali Agrawal, Advocate h/f Ms A.S. Athalye, counsel for the non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : FEBRUARY 24, 2023.

By this application, the applicants seek condonation of delay of 801 days in filing the appeal.

It is the contention of the applicants that they are poor agriculturist and their land alongwith pipeline was acquired by the non-applicants under compulsory acquisition. Though the reference Court has passed the award the applicants have not received the amount of compensation. Since the financial condition of the applicants is not sound, they could not approach this Court to pursue with the litigation and therefore the delay is caused.

The learned counsel for the applicants placed reliance on the order passed by this Court in **Civil Application (CAF) Nos.44/2021 and connected matters** [*Kamai Keru More Versus The State of Maharashtra & Others*]. The abovesaid matters were also arising out of the same award. He submitted that in the said order this Court has condoned the delay on waiver of the interest for the period of delay on the enhanced amount of compensation.

The said application is strongly opposed by the learned Assistant Government Pleader for the non-applicant nos.1 and 3 and the learned counsel for the non-applicant no.2.

Perused the application and heard the learned counsel for the parties. Considering the reasons mentioned and the grounds raised in the application, the civil application deserves to be allowed subject to waiver of the interest for the period of delay. The civil application is allowed and disposed of. The appeal be registered.

FIRST APPEAL STAMP NO. 25489/2019.

Heard. **ADMIT.** Call for Record & Proceedings.

Learned Assistant Government Pleader Ms T.H. Udeshi waives notice of hearing for the respondent nos.1 and 3.

Learned counsel Ms Anjali Agrawal waives notice of hearing for the respondent no.2.

The appellants to supply the copies of the Memorandum of Appeal to the respondents.

(URMILA JOSHI-PHALKE, J.)

APTE