



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1842 OF 2022 IN
FIRST APPEAL ST. NO. 30467 OF 2019 WITH
FIRST APPEAL ST. NO. 30467 OF 2019

Sk. Khidarbaksh Sk. Kadar
(Died) through LRs

.. Applicant

Versus

The Special Land Acquisition Officer
& another

.. Respondents

Mr. I. K. Wagh, Advocate holding for Mr. K. M. More, Advocate for the
applicant.

Mr. D. B. Bhange, AGP for the State.

Mr. Subhash Chillarge, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 12th JANUARY, 2024.

PER COURT :

1. This is an application for condonation of delay of 934
days in preferring first appeal.

2. Heard learned counsel for the applicant, learned AGP for
the State and learned counsel for respondent No. 2/acquiring body.

3. It is the contention of claimant/applicant that due to
financial difficulties, the appeal for enhancement of compensation
could not be filed in time.

4. Learned counsel for the applicant submits that in the facts of the case and in the interest of justice, delay caused in filing the appeal be condoned. The said contention is strongly opposed by learned AGP as well as learned counsel for the acquiring body.

5. Considering the reasons mentioned in the application, no malafides can be attributed to the applicant for not preferring the appeal in time. It is clarified that applicant/claimant would not be entitled to interest on amount for the aforesaid period if he succeeds in the appeal. In view of this, delay deserves to be condoned. Hence, application is allowed in terms of prayer clause 'B'. Appeal be registered.

(R. M. JOSHI)
Judge

dyb