



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**952 CIVIL APPLICATION NO. 503 OF 2013
IN FAST/33468/2012**

Shankar Tukaram Dahatonde

VERSUS

The State Of Mah And Ors

...

Advocate for Applicant : Mr. Dodya S.G.

AGP for Respondents-State : Mr. P. J. Bharad

...

CORAM : R. M. JOSHI, J.

Dated : July 02, 2024

PER COURT :-

1. This application is for condonation of delay of 3347 days in preferring appeal against the Judgment and decree passed in Land Acquisition Reference No.46/1992, dated 24/07/2003. The appellant claimed himself to be old age rustic villager. It is his submission that he was hospitalized at the relevant time, and therefore, was unable to come to Aurangabad to file first appeal. On these grounds, delay is sought to be condoned.

2. Learned AGP appearing on behalf of respondents No.1 and 2 opposed the said contention by submitting that no satisfactory reason has been recorded by the appellant for condonation of delay.

3. This is a case of compulsory acquisition of land belonging to the appellant. Appellant is within his right to seek adequate compensation against the said acquisition. The applicant was already a senior citizen when the appeal was filed. There is no reason to disbelieve the explanation given for non filing the appeal in time.

4. Keeping in mind the mandatory statutory interest payable on the enhanced amount, having regard to the fact that the order is of year 2003 is practically challenged after around 21 years, this Court finds that the appellant if succeeds in the appeal, would not get any interest from the date of passing of the order by the Trial Court i.e. from 21/07/2003 till today i.e. 02/07/2024. On this condition, the delay stands condoned. Appeal be registered.

(R. M. JOSHI, J.)

vj gawade/-.