



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6319 OF 2022
IN FAST/37435/2019

Apparao Vaijanath Patki

VERSUS

The State Of Maharashtra And Anr

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Mr. V. G. Sakolkar, Advocate for Applicant

Mr. D. B. Bhanage, AGP for Respondent Nos. 1 and 2

Mr. R. A. Tambe, Advocate for Respondent No. 3

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CORAM : R.M. JOSHI, J

DATE : FEBRUARY 09, 2024

PER COURT :

1. This application is for condonation of delay of 2768 days for preferring appeal against judgment and award dated 30th January, 2012 passed in LAR No. 117 of 2006.

2. Applicant claims that he is poor agriculturist having no legal knowledge. Applicant claims that he did not have knowledge about the judgment and award and they could get said knowledge in the month of October, 2019. It is further claimed that Applicant has received the amount of compensation in the month of October, 2019 and thereafter, they could arrange funds for preferring appeal.

3. Learned AGP and learned counsel for acquiring body opposed the application on the ground that no satisfactory reason is given for condonation of delay.

4. Appeal sought to be filed by applicant arises out of compulsory acquisition of land. It is the right of the claimant to seek just and fair compensation in respect of the said compulsory acquisition. This Court finds no mala fides on the part of the applicant in not preferring appeal in time.

5. Having regard to these facts, application deserves to be allowed. Hence, application is allowed in terms of prayer clause 'B'. Applicant would not be entitled to get interest for the period of delay, if he succeed in Appeal. Appeal be registered.

(R. M. JOSHI, J.)

Malani