



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

**CIVIL APPLICATION NO. 1840 OF 2022
IN FAST/41006/2019**

**POPAT BABURAO SHINDE
VERSUS
THE COLLECTOR, AURANGABAD**

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Mr. A. M. Hajare, Advocate for applicant
Mr. S. V. Hange, AGP for respondent – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 15 MARCH 2024

PER COURT :-

1. By the present application, the applicant whose land is acquired for public project, prays for condonation of delay of 3300 days caused while lodging the appeal.

2. The applicant set out the grounds that he is a layman and does not know procedural law, so also no one advised him for lodging appropriate appeal for enhancement of compensation, so also due to paucity of fund, he could not arrange the amount for Court fees. Hence, the delay has been caused.

3. The respondents have not seriously objected the appeal. However, the learned AGP submits that the applicant would not be entitled for the interest for delayed period.

4. It is well settled principle of law that the litigant should not be deprived from receiving substantial justice on the technical ground. The applicant appears to be an agriculturist, who was suffering from financial crises, due to which, he could not arrange Court fees and he was not aware about the procedural law. Therefore, delay has been caused.

5. The delay appears to be bona-fide and justifiable. However, the appellant would not be entitled for interest for the delayed period.

6. In view of above, the delay of 3300 days caused in lodging the appeal is hereby condoned. Civil application is disposed of. No order as to costs.

7. Office to register the first appeal and place it before the Court on 01.04.2024 for further action.

[Y. G. KHOBRADE, J.]

SMS