



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1671 OF 2022 IN
FIRST APPEAL ST. NO. 41117 OF 2019
WITH
FIRST APPEAL ST.NO. 41117 OF 2019

Moti Kondiba Sahane

.. Applicant

Versus

The State of Maharashtra
& others

.. Respondents

Mr. V. B. Deshmukh, Advocate for the applicant.
Mr. S. V. Hange, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 12th JANUARY, 2024.

PER COURT :

1. This is an application for condonation of delay of 2089 days in preferring the first appeal.
2. Heard learned counsel for the applicant and learned AGP for the State. None appears for the acquiring body. This shows that the acquiring body is not serious for opposing the application.
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. Learned counsel for applicant submits

that in the interest of justice, delay caused in filing the appeal be condoned. The said contention is strongly opposed by learned AGP.

4. 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 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

