

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.8201 OF 2024
IN
FIRST APPEAL STAMP NO.5534 OF 2022**

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The State of Maharashtra & Ors.

..Applicants

Versus

Balnath Bhavani Kanadi

..Respondent

Mr. A. R. Patil, AGP for the Applicants/State.

CORAM : KISHORE C. SANT, J.

DATE : 30th APRIL, 2024

PC.

1. This Application is filed seeking condonation of delay of 4 years 210 days caused in filing Appeal. The Appeal is filed by the acquiring body/State challenging the judgment and award passed by learned Civil Judge, Senior Division, Malegaon, District Nashik, in LAR No.161 of 2004. It is stated in the Application that the delay is not intentional. Some time was spent in taking decision for filing the Appeal. Some communication was required as the proposals were sent by the District Government Pleader to the authorities. It is thereafter the authorities decided to file the Appeal. In that process, some time is taken. Thus, delay is not intentional and for the reasons stated in the Application, this Court finds that sufficient reasons are given for condonation of delay. Delay therefore needs to

be condoned and the same is condoned. This Court is also informed that the Appeal is arising out of the judgment, wherein enhancement in the amount of compensation by the Reference Court is less than four times of the amount awarded by the learned SLAO. The Government has now taken a decision not to file Appeal, wherein the amount of enhancement is less than four times of the award by the SLAO. In view of the said decision Applicant is intending to withdraw the Appeal. Considering this, this Court is inclined to allow the Application for condonation of delay even without issuing notice.

2. The Application therefore stands allowed. Delay stands condoned.

[KISHORE C. SANT, J.]