



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

85 CIVIL APPLICATION NO. 585 OF 2025
IN FAST/502/2025

DASHRATH MAROTI GAIKODE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR
NANDED AND ORS

...

Advocate for Applicant : Mrs. Anagha Pandit h/f Mr. Nagarkar Kiran M.
AGP for Respondent Nos. 1 & 2/State Mr.D.B.Bhange

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

1. Heard learned Advocate appearing for applicant and learned AGP for respondent Nos.1 & 2.
2. None appears for respondent No. 3 inspite of service of notice.
3. Applicant seeks condonation of delay of 941 days caused in filing appeal.
4. Perused reasons stated in paragraph Nos. 2 to 4 of the application. Apparently delay is occasioned on account of economic duress. It is only when applicant received compensation amount in pursuance to award passed by Reference Court, he could arrange for expenses and immediately thereafter appeal is filed. Reasons as stated are not controverted by respondents. Although application is opposed by learned AGP on the ground of exponential delay, considering reasons as stated and fact that applicant is litigating for getting just compensation towards his acquired land, delay of 941 days caused in filing appeal deserves to be condoned by putting certain conditions.
5. In result, application is allowed. Delay of 941 days caused in filing appeal stands condoned, subject to condition that applicant files undertaking to satisfaction of Registrar, (Judicial) of this Court that he shall not

claim interest and statutory benefit for period of delay in case appeal is allowed and enhanced compensation is granted.

6. Such an undertaking shall be filed within a period of six weeks from today and it be made part of the appeal on its registration.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/