



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 CIVIL APPLICATION NO. 7511 OF 2019
IN FAST/10408/2019

Ibrahim Nazir Kotwal
VERSUS
The State of Maharashtra And Anr

...
Advocate for Applicant : Mr. M.L. Dharashive
AGP for Respondents: Mr. D.J. Patil

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 13th JANUARY 2025

PER COURT :-

1. This is an application for condonation of delay of 2581 days caused in filing the first appeal.
2. Perused the contents of the application. Heard both sides.
3. Learned advocate for the applicant submitted that the delay is not deliberately caused. The applicant is agriculturist. He was not knowing the provisions of law, particularly the mandate of law. He submitted that if the delay is not condoned, the applicant will be deprived from enhanced compensation. He therefore, prayed that the delay be condoned.
4. Learned A.G.P. strongly objected the application by placing

reliance on the judgment of the Hon'ble Supreme Court in the case of ***Pathapati Subba Reddy (Died) by L.Rs. and Ors. vs. Special Deputy Collector (LA), (2024) 4 S.C.R. 241***, in which it is held that if there is apparent no due diligence on the part of the claimant in pursuing the matter, delay cannot be condoned. Learned A.G.P. lastly submitted to reject the application.

5. After considering the reasons given in the application, it appears that the delay is not deliberate. However, if the State can be compensated in terms of money for the period of delay of 2581 days, the delay can be condoned. Thus, it would be proper to direct the applicant to deposit an amount of Rs.2500/- as costs in this court within two weeks. Subject to deposit of costs of Rs.2500/- in this Court within two weeks from today, the delay caused in filing the appeal is condoned. It is clarified that if aforesaid amount of Rs.2500/- is not deposited, the application shall stand rejected without further order. After depositing the aforesaid amount of Rs.2500/- the same shall be deposited in the Government treasury within one week thereafter.

6. In view of law laid down by the Hon'ble Supreme court in the case of ***Imrat Lal and others vs. Land Acquisition Collector and others, (2014) 14 SCC 133***, the applicant is not entitled for

interest of the delayed period of 2581 days, on the enhanced amount in case the applicant succeeds in the appeal.

7. In so far as the first appeal is concerned, **Admit.**

8. Call for record and proceedings.

(SANJAY A. DESHMUKH, J.)

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