

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9248 OF 2024
IN
FIRST APPEAL (St.) NO. 13148 OF 2023

Eknath Balkrushna Alias Krushna Kadu ...Applicant/Appellant.

Versus

The State of Maharashtra ...Respondent.

Ms. Deepa Punde i/b Mr. Sachin Punde for the Appellant.
Mr. A. R. Patil, AGP for State.

Coram : Sharmila U. Deshmukh, J.

Date : 11th March, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 111 days caused in preferring the First Appeal.
2. Learned counsel appearing for Applicants submits that the impugned judgment was passed on 9th June, 2021 and certified copy was received on 27th January, 2022. She submits that lands came to be acquired by virtue of notification of the year 1997 and that acquired land was sole source of income by reason of which the Claimants were facing financial difficulty. She would further submit that Respondents did not immediately deposit the entire decretal amount and only after the decretal amount came to be deposited, the same came to be

withdrawn.

3. Mr. Patil, learned AGP does not seriously oppose the Application as proceedings arise out of land acquisition proceedings.
4. The Application specifically pleads financial inability of the Claimants, which cannot be doubted. It is specifically pleaded that notification is of the year 1997 and decretal amount is stated to have been deposited subsequently. As such, the Applicants could not manage the proper funds for the purpose of filing the appeal.
5. Sufficient explanation is tendered for delay of 111 days.
6. Resultantly, delay stands condoned. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]