

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9550 OF 2024.

IN

FIRST APPEAL (ST) NO. 21807 OF 2023.

Krushna Vitthal Thakur And Ors.

...Appellants.

Versus

The State Of Maharashtra Thr. The Deputy Collector ...Respondent.
(Land Acquisition), Raigad

Ms. Deepa Punde i/by Adv. Sachin Punde for the Appellant.
Mr. Mayur Sonawane AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : February 11, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 465 days caused in preferring the Appeal.
2. Learned Counsel appearing for the Applicant submits that the impugned Judgment and Award was passed on 27th April, 2021 and due to the prevalent Covid pandemic the Applicant could not contact the Advocate for discussing further course of action. She would further submit that the Apex Court in Suo Motu Writ Petition No. 3 of 2020 has excluded the period from 15th March, 2020 upto 22nd February, 2022 while calculating the period of limitation. She would further submit that the Applicants due to financial difficulties were unable to immediately file the Appeal as they were required to pay the Court

Fees and hence there is delay in preferring the Appeal.

3. Learned AGP submits that the explanation does not set out sufficient cause for condoning the delay of 465 days.

4. The Applicants have pleaded illiteracy and financial difficulties as the acquired land was the source of income. It cannot be disputed that the Applicants are agriculturist and before approaching this Court for the purpose of filing Appeal, the necessary expenses include the Court fees had to be arranged for. It is specific case of the Applicant that due to insufficient funds the Applicants could not arrange the amount of Court fees within time. The said explanation is sufficient explanation for the delay. Further as the impugned Judgment was passed on 27th April, 2021 during Covid pandemic, prompt and timely steps for arranging of funds and filing of the Appeal obviously could not be taken by the Applicant.

5. For the reasons stated in the Application, the delay of 465 days stands condoned.

6. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]