

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10119 OF 2024

IN

FIRST APPEAL (ST) NO. 32186 OF 2023

ANAND
SUDHAKAR
SUDAME

Dattaram Haribhau Sanap

..Applicant

Versus

Digitally signed
by ANAND
SUDHAKAR
SUDAME

The State of Maharashtra & ors.

..Respondents

Mr. Anil Ahuja, Advocate, for the Applicant

Mr. A. R. Patil, Addl. GP, for the Respondent - State

Date: 2025.10.08
19:25:49 +0530

CORAM : RAJESH S. PATIL, J.

DATE : 06.10.2025

P. C.

1. This Civil Application is filed by the claimant for condonation of delay of 5 years and 61 days in filing the First Appeal.

2. The learned counsel for the Applicant submits that there is a delay of 5 years and 61 days counsel in preferring the First Appeal. He further submits that the Applicant was unable to take timely steps to challenge the impugned Judgment and Award of the Reference Court due to financial constraints as the amount of Court Fees was required to be arranged.

3. Mr. A. R. Patil, learned Additional Government Pleader appearing for State/Respondent states that he has strong objections in

condoning the delay. He submits that impugned Judgment and Award has been passed on 30.06.2018 and Appeal has been preferred in the year 2023. He further submits that the State should not be saddled with the liability to pay interest for the fault of the claimant and delay can be condoned subject to the condition that Applicant will not be entitled to claim interest from the date of passing of the impugned Judgment and Award till the date of filing Appeal.

4. Learned counsel appearing for Applicant submit that the claimants will not claim any interest on the enhanced compensation and the statutory amount for the period of delay, i. e. 5 years 61 days and necessary undertaking to that effect will be filed in this Court.

5. I have heard both sides and I have gone through the contents of the Application.

6. Considering the ratio laid down in the decision of the Apex Court in the case of ***Ningappa Thotappa Angadi (Dead) through Lrs vs. The Special Land Acquisition Officer***, passed in Civil Appeal No.9415 of 2019, dated 13th December, 2019, hence in the present proceedings, the delay needs to be condoned.

7. The Civil Application is allowed in terms of prayer clause (a) subject to an undertaking being filed in this Court by the Applicant within a period of four weeks from today that they will not claim

interest on the enhanced compensation, if any, and on the statutory amount, for the period of delay i.e. 5 years and 61 days in preferring the Appeal.

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1. Heard.
2. **Admit.**
3. The Appellant to file a private paper book within a period of 6 months from today. A copy thereof to be served on the other side.
4. Soft copy of R & P be sent by the trial Court to the High Court within a period of 4 weeks from today. The original R & P should be preserved by the trial Court till further Orders of this Court. The original R & P to be sent to the High Court when called for.

(RAJESH S. PATIL, J.)