

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10419 OF 2024
IN
FIRST APPEAL (St.) NO. 18329 OF 2023

Madan Mahadev Keni and Others

...Applicants.

Versus

The State of Maharashtra and Another

...Respondents.

Ms. Deepa Punde i/b Mr. Sachin Punde for Applicants.
Mr. A. R. Patil, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 11th March, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 1319 days caused in preferring the First Appeal.
2. Learned counsel appearing for Applicants submits that the impugned judgment was passed on 4th May, 2019 and certified copy was received on 21st August, 2019. She submits that lands came to be acquired by virtue of notification of the year 1986 and that the acquired land was the 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same came to be withdrawn and used for meeting the expenses for filing the Appeal.

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 1986 and decretal amount is stated to have been deposited subsequently. As such, the Applicants could not manage to gather funds for the purpose of filing the appeal.
5. Sufficient explanation is tendered for delay of 1319 days.
6. Resultantly, delay stands condoned. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]