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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 8300 OF 2025

IN

FIRST APPEAL (ST) NO. 29513 OF 2024

Shri Balu Vithu Thakur (Deceased)
Through Legal heirs and legal representatives
Smt. Tarabai Balu Thakur and Ors. .. Applicants

Versus

The State of Maharashtra and Anr. .. Respondents

Adv. Deepa Punde i/b Adv. Sachin Punde, for the Applicants.

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

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: JUNE 20, 2025

P. C.

1. The above Interim Application is filed for condoning the delay of 5 years and 255 days in preferring the above Appeal.
2. The challenge in the above Appeal is to the Judgment and Order dated 28th January, 2019 passed by the learned Joint Civil Judge, Senior

Division, Alibag, District Raigad in Land Acquisition reference No. 1080 of 2000 (Old Land Acquisition reference No. 2 of 1998).

3. The learned Advocate appearing on behalf of the Respondents vehemently opposed the grant of condonation of delay on the ground that there is absolutely no explanation for the aforesaid delay.

4. We have heard the learned counsel for the parties at some length. It is true that the order was passed on 28th January, 2019 and the above Appeal has been lodged after a delay of almost 5 and half years.

5. However, the explanation given in the above Application is that the Applicants/Appellants are poor agriculturists whose lands were acquired in the year 1995 by the Respondents. It is the case of the Applicants that the acquired land was the sole source of income. The amount under the award was paid to them only on 14th February 2024. Apart from being illiterate, it is the case of the Applicants that only once this amount is received, they were in a position to engage Advocates to challenge the above Judgment and Order dated 28th January, 2019.

6. Considering these facts, and more particularly the fact that the Applicants-agriculturists are poor people, illiterate, and did not have the adequate financial resources to challenge the impugned order in a timely manner, in the peculiar facts and circumstances of this case we are inclined to condone the delay.

7. Accordingly the delay in filing the above Appeal is hereby condoned. Now that the delay is condoned, the Advocates for the Applicant/Appellant shall remove all other Office Objections within a period of 4 weeks from today failing which the above Appeal shall stand dismissed without further reference to the Court.

8. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]