



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.2795 OF 2023 IN
FIRST APPEAL ST. NO.5961 OF 2020

[Harsh Vasant Shete and others .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vikky S. Gokhale, Advocate h/f Shri R.J. Shinde, Advocate for Applicants.
Smt. N.R. Tripathi, AGP for Respondent Nos.1 and 2.

.....
CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 24, 2025.

1. By this application, applicants are seeking the condonation of 1227 days in filing the appeal against the judgment and order passed by Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No.385/2013.
2. The office record shows that the respondents are duly served. Accordingly, Advocate M.A. Kadu appeared for Respondent No.3 and learned A.G.P. appeared for respondent nos.1 and 2.
3. The learned counsel for the applicants stated that the applicants are residing in the remote area and the amount of compensation awarded by the reference court was not received by them immediately. According to him, the same was received in the month of August-2018. They have stated in the application that they are ready to waive the interest for the period of delay caused in filing the present application.
4. The learned counsel for the respondents strongly opposed the application by stating that the delay being inordinate, same cannot be condoned in the matter. It is stated that not only for the period of delay, the applicants should waive

the interest from the date of expiry of statutory period of filing of appeal till the date of registration of appeal by this court. If the appellants agree for the same, then only the delay can be condoned.

5. The learned counsel for the appellants stated on oath that they are ready to waive the interest for the period of delay. Accordingly, they are ready to waive the interest for the period of 1227 days.

6. After hearing both the sides, I am of the opinion that due to delay caused in filing the appeal, the acquiring body, who is not at fault, will unnecessarily bear the burden of interest from the period of expiry of statutory period till the registration of the appeal.

7. In the circumstances, in my opinion, the delay of 1227 days caused in filing the appeal can be condoned, subject to condition that appellants would not claim any interest and other statutory benefits from the date of expiry of statutory period of filing appeal under Section 54 of the Land Acquisition Act, till the registration of the appeal before this court, in case this court allowed the appeal and enhanced the compensation amount. Accordingly, the present application is allowed and office is directed to register the appeal.

(PRAVIN S. PATIL, J.)