



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

CIVIL APPLICATION (CAF) NO. 3129 OF 2024

IN

FIRST APPEAL ST. NO. 653 OF 2024

SMT. ASHABAI W/o KOTHIRAM LAVHE

VERSUS

STATE OF MAH. , THRU. SECY., IRRIGATION DEPTT., MUMBAI AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. D. C. Chahande, Advocate for the appellant
Mr. M. A. Kadu, A.G.P. for respondent nos.1, 4 and 5

CORAM : M. W. CHANDWANI, J.

DATE : MAY 05, 2025.

1. Heard.
2. This is an application for condonation of delay caused in filing first appeal. There is delay of 761 days.
3. The impugned judgment and award has been passed on 13.07.2020. Needless to mention that till March-2022, there was pandemic in the entire country. The Hon'ble Supreme Court had directed to exclude the period of limitation from 15.02.2020 till 28.02.2022 in computing the period prescribed under various Acts. Thus, according to the appellant, excluding the above period which comes to 389 days, there is delay of 372 days. Learned counsel submitted that he underwent an eye surgery and therefore, the appeal could be filed only on after getting certificate copy of the judgment and award on 24.08.2023.

4. Considering the reasons mentioned in the application coupled with the fact that the reasons mentioned in the application remained uncontroverted since no reply has been filed by respondent nos.2 and 3, the delay of 372 days in filing first appeal is condoned. However, it is made clear that the appellant shall not be entitled for any interest on compensation, and other statutory benefits for the delayed period of 372 days, if enhanced by the Court.
5. The application is accordingly allowed and disposed of.
6. The First Appeal be registered.

(M.W.Chandwani, J.)

Diwale