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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 422/2015

MAHABIR SINGH Appellant

Through: Mr. B.D. Sharma, Adv.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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19.01.2016

CM No.24882/2015

By this application, the applicant seeks condonation of 1738 days delay in filing the accompanying appeal under Section 54 of the Land Acquisition Act.

It is further submitted that the appellant is suffering from heart and stomach ailments and because of his debility he could not contact his counsel for a long period.

The aforesaid position was further confounded as the appellant hails from far flung rural area and has a rustic background. The appellant could only recently learn about the requirement of filing an appeal in the High Court for the further enhancement of the compensation. It is submitted that the delay is not because of any deliberate latches on his part.

Learned counsel appearing for respondent No.1 sought time to reply to the application.

This Court is of the opinion that no reply in the aforesaid case is

necessary. The Hon'ble Supreme Court of India has already enhanced the compensation in respect of the same acquisition proceedings in Civil Appeal Nos. 10982-11033/2014 titled ***Charan Singh & Others vs. Union of India & Another*** decided on 11.12.2014.

The courts have been liberal in condoning the delay in filing the appeals under the Land Acquisition Act as there is a compulsory acquisition of the land whereas the appellants are, more often than not, agriculturists coming from rural background.

The Apex Court has condoned large delays but for equitable grounds, though, has denied interest to the claimants for the period of delay.

Keeping in view the aforesaid factual position as also taking into account the ground shown in the application for condonation of delay, the application is allowed and the delay in filing the appeal is condoned with the condition that the appellant shall not be entitled to interest for the period of delay.

The application stands disposed of.

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Since the present appeal is covered by the decision of the Hon'ble Supreme Court of India in Charan Singh (supra), the present appeal is disposed of in terms of the said decision. The appellant shall, however, not be entitled to the interest for the period of delay.

The appeal stands disposed of.

ASHUTOSH KUMAR, J

JANUARY 19, 2016

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