

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11085 OF 2016

IN

CIVIL REVISION APPLICATION [STAMP] NO. 23929 OF 2016

Bhagwan s/o Bhanudas Haridas and others	.. Applicants
VS	
The State of Maharashtra and others	.. Respondents

Mr. N. D. Kendre, Advocate for the applicants
Mr. S. K. Tambe, Asstt. Govt. Pleader for respondents no. 1 and 2

CORAM : SUNIL P. DESHMUKH, J.
DATE : 17th February, 2017

ORDER :

1. Heard learned counsel for the applicants and the learned Assistant Government Pleader for respondents no. 1 and 2.
2. Applicants seek condonation of delay of 1545 days caused in filing civil revision application challenging decision rendered by Reference Court (4th Joint Civil Judge, Senior Division, Latur) on 09-02-2012 dismissing their land acquisition reference bearing no. 119 of 2001.
3. Learned counsel for the applicants submits that the applicants are poor and illiterate and have very little knowledge

of the legal procedure and proceedings thereunder. In the circumstances, they believed that after lodging of the land acquisition reference, their advocate would look-after the matter and would communicate them about progress of the same and in the circumstances, they had not been in contact of their advocate believing the cases generally take long time.

4. He further submits that applicants, around 2015, had learnt that a few of the land acquisition references were allowed and the claimants therein had received certain benefits. Thereupon, the applicants had enquired about the progress of their land acquisition reference bearing no. 119 of 2001 and they came to know that the same, evidence being not on record, had been dismissed on 09-02-2012. The decision had not been brought to their notice by their lawyer. It is under these circumstances, delay is caused which is neither intentional nor deliberate and has occurred under aforesaid circumstances. He further submits that had the applicants been given opportunity, they would have adduced evidence in respect of their claim for enhancement of the land acquisition compensation.

5. He, on instructions, states that the applicants would waive interest for the period from from January, 2008 to the date of lodging of this application i.e. 01-08-2016.

6. Learned Assistant Government Pleader, however, opposes, stating that huge delay of 1545 days has been caused in filing civil revision application and delay is very scantily explained. The reasons are difficult to be believed.

7. However, he has not been in a position to come out of the contentions of the applicants that their entire land had been acquired and it has become very difficult for them to survive. Learned Assistant Government Pleader has also not been in a position to challenge veracity of the contents about the period in which it has come to their knowledge about enhancement in compensation in respect of other claimants

8. Further, it would have to be given attention to that the applicants have not only given the circumstances and the reasons under which delay has occurred but have further fairly referred to that they do not want to derive any illegitimate benefit from the delay which has occurred and as such have shown their willingness to give up interest for the period from January, 2008 to the date of lodging present application. This approach of the applicants, to quite a large extent, indicates substance in the contents of the application under which delay is stated to have been caused.

9. In the circumstances, keeping at the back of the mind the guidelines given by the apex court in the case of *Collector, Land*

Acquisition, Anantnag vs. Mst. Katiji and others, reported in *AIR 1987 SC 1353*, it would be expedient to grant the application and condone the delay.

10. As such, delay in filing civil revision application stands condoned with a rider that while the merits of the civil revision application would be considered, the willingness to waive interest for the period as has been referred to above would be taken into account and the applicants shall pay costs of Rs.5000/-. The costs be deposited in this court within a period of four weeks from today.

11. Civil application thus stands granted in terms of prayer clause (B) on the condition of payment of cost referred to above and is disposed of on aforesaid terms.

12. Civil revision application to appear on board on 03-03-2017.

SUNIL P. DESHMUKH,
JUDGE

pnd