

HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

CRP No.5931 of 2012

ORDER:

This revision is directed against the order dated 20.10.2012 in I.A.No.103 of 2003 in O.P.No.21 of 1990 on the file of the Court of the Senior Civil Judge, Adoni, Kurnool District.

Heard Sri P.Gangirami Reddy, learned counsel for the petitioner. Though served, there is no appearance on behalf of the respondents.

It is the case of the learned counsel for the petitioner that he filed a petition to set aside the *ex-parte* order dated 23.08.1991 and along with the same, he filed I.A.No.103 of 2003 in O.P.No.21 of 1990 to condone the delay of 11 years, 3 months and 16 days in filing the application. The Court below, after considering the submissions, did not condone the delay and held that there was no valid cause made out to condone the delay in dismissing the application. It is this order, which is impugned in the present revision petition.

Learned counsel for the petitioner cited a judgment of the Hon'ble Supreme Court reported in ***Dhiraj Singh v. State of Haryana and others***¹, wherein the Supreme Court has considered the cases of delay and held that in the matters of land acquisition, where land of peasants is acquired, a

¹ 2014 (14) SCC 127

different approach has to be taken and the persons should not be deprived of the reasonable compensation.

The Hon'ble Supreme Court has held that in cases of land acquisition as there are poor and small people, cases of poverty etc., a different approach has to be carved out. The learned counsel for petitioner submitted that the original applicant and his counsel also died. He also submitted that the value of the land was enhanced from Rs.2,000/- to Rs.5,000/- and that the land belongs to a temple.

Considering the finding of the Hon'ble Supreme Court particularly in para 15 of **Dhiraj Singh's** case and in view of the peculiar facts of this case only, I am inclined to condone the delay.

In the result, the civil revision petition is allowed by setting aside the order dated 20.10.2012 in I.A.No.103 of 2013 in O.P.No.21 of 1990 on the file of the Senior Civil Judge, Adoni, Kurnool. However, it is made clear that applicants will not be entitled to any interest for the period the matter was pending in the Court. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this revision shall stand closed.

D.V.S.S. SOMAYAJULU, J

Date: 27.10.2017
KLP