

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

CIVIL APPLICATION NO. 2046 OF 2017
IN
FIRST APPEAL [STAMP] NO. 21394 OF 2016

Narmadabai Datta Rathod .. Applicant

versus

The State of Maharashtra and ors. .. Respondents

Mr. Y. L. Bide, Advocate holding for Mr. Abhay R. Rathod,
Advocate for applicant

Mr. Shashibhushan P. Deshmukh, Assistant Government Pleader
for respondents no.1 and 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th April, 2018

ORDER :

1. Heard learned counsel for the applicant and learned Assistant Government Pleader

2. Learned counsel for the applicant submits that she lost her husband. The land acquisition proceedings were being attended to by her husband and after his death she had not been aware for quite some time about developments in respect of her land acquired, including award passed by the tribunal. While she enquired after death of her husband about compensation for land, she realized that there had been a decision in land acquisition reference in 2010. Applicant had to collect papers, information and

contact advocate and further that had also found it difficult to muster funds for filing appeal since her only source of income, namely, land has been acquired. A very meagre compensation has been awarded for her landed property.

3. It is being submitted that with the death of her husband and acquisition of land, applicant's source of income is taken away. Delay is neither intentional nor deliberate. It occurred for genuine reasons. She is a widow and illiterate lady.

4. Learned counsel for applicant, on instructions, further submits that the applicant does not want to take undue advantage of delayed period in approaching high court. She would not claim any benefit for delayed period and would file an undertaking to that effect.

5. Aforesaid submissions although purported to object, learned Assistant Government Pleader has not been able to challenge veracity of contents of the application. Further, acquiring body despite service having chosen not to appear, is a tacit indication of that it does not seriously dispute the claims made in the application.

6. In the circumstances, having regard to decisions of the supreme court in the cases of *Collector, Land Acquisition, Anantnag vs. Mst. Katiji*, reported in 1987 SC 1353, and *Dhiraj Singh (dead)*

through legal representatives and others vs. State of Haryana and others, reported in (2014) 14 SCC 127, it would be expedient to condone the delay subject to condition that the applicant would not claim interest for delayed period in filing appeal and shall file an undertaking to that effect in this court with a copy of the same endorsed to the Assistant Government Pleader.

7. Application is accordingly allowed and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd