

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

Civil Application (CAF) No.3580/2018
in First Appeal St. No.1742/2018
Sheikh Samshoddin Vs. State Through Collector Amravati & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.R. Agrawal, Advocate for appellants.
Ms. Hemlata Jaipurkar, AGP for respondents

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

This is an application for condonation of delay of 1272 days in filing the accompanying appeal. The applicants herein are the original land owners / claimants who are seeking enhancement of compensation for acquisition of their land.

2. Although the delay is considerable, it is pointed out on behalf of the applicants that their lands were acquired in 3 cases of acquisition and as soon as the compensation in one of the 3 cases was received by them, they could move this Court by filing the accompanying appeal seeking enhancement of compensation. It is stated that the applicants were in a state of financial crises and that as soon as compensation amount in one of the cases was made available, they took necessary steps in the matter. Though the application for condonation of delay is

opposed by the respondents, particularly the respondent No.2 – acquiring body, considering the reasons given in the application, this Court is of the opinion that ground is made out for condonation of delay. But, the applicants cannot be permitted to take advantage of the delay in approaching this Court and, therefore, appropriate condition needs to be imposed while allowing the present application.

3. In view of the above, the application is allowed and the delay in filing the accompanying appeal is condoned, subject to the applicant not being entitled for interest, in case of enhancement of compensation for the period of delay that has occurred in filing the accompanying application.

4. The application is disposed of.

First Appeal No. ____/2019.

Heard learned counsel for the appellants.

ADMIT.

Call for record and proceedings.

Ms. Hemlata Jaipurkar, learned AGP waives notice on behalf of respondents No.1 and 3.

Mr. Rahat Badani h/f Mr. M.M. Agnihotri, learned counsel for the respondent No.2 waives notice on behalf of the respondent No.2.

JUDGE