

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

CIVIL APPLICATION (CAF) NO. 3567/2019

IN

FIRST APPEAL St. NO. 1362/2018

Makhram S/o. Jairam Rathod,

..VS..

The State of Maharashtra, Through Special Land Acquisition Officer, Minor Irrigation
Project, Dadham, Dist.Buldhana and Anr.,

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

Court's or Judge's orders

Shri H. R. Gadhia, Advocate for the applicant/appellant.
Ms G. R. Tiwari, A.G.P. for the respondents.

CORAM : AVINASH G. GHAROTE, J.

DATED : 08th January, 2020

The applicant seeks to condone the delay of 1535 days in filing the appeal challenging the Award dated 30.07.2013 passed by learned Civil Judge, Senior Division, Khamgaon in Land Acquisition Reference No.12/2011. The reasons are stated in paragraph No.3 of the application. It is submitted that on 16.06.2017 the counsel had drafted the application for condonation of delay and mailed the same to the local counsel but thereafter, the appellants' relative met with an almost fatal accident and the appellant was therefore, engaged elsewhere and he was involved in medical treatment for his relative. A statement has been made in para No.3 that the appellant is ready and willing to waive interest for the period of delay caused in filing the appeal, if at all

this Court deems it fit and necessary to enhance the amount.

The learned counsel also placed reliance upon the judgment of the Hon'ble Apex Court in the case of **Imrat Lal & Ors. Vs. Land Acquisition Collector and Ors.**, reported in **2014(14) SCC 133** specifically, paragraph Nos. 13 and 17 and **Dhiraj Singh Vs. Haryana State and Ors.**, reported in **2014 SCC 127** paragraph Nos.9, 10, 11 and 15, wherein it is stated that in such cases a liberal and pragmatic approach must be taken while considering the application for condonation of delay and normal parameters ought not to be invoked, in the case, appellants are agriculturist and it is not disputed that the present appellant is an agriculturist.

Considering the reasons given in the application and in the light of the mandate laid down by the Hon'ble Apex Court in cases of *Imrat Lal and Dhiraj Singh* cited (supra), the delay of 1535 days is condoned, on accepting the statement that the appellant will not claim interest for the period of 1535 days, if any enhancement granted by this Court. The civil application is **allowed** accordingly.

Office to register the appeal.

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Learned A.G.P. makes a statement that as notice in first appeal was already ordered on dated 03.10.2019 and was received, there is no need to issue

fresh notice. Upon registration of the appeal on merits, the A.G.P. would appear for respondent No.1.

Issue notice to the respondent No.2.

Appellant is directed to take appropriate steps to serve respondent No.2 expeditiously.

JUDGE

Kirtak