

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

CIVIL APPLICATION (CAF) NO. 2813 OF 2019
IN
FIRST APPEAL NO. OF 2021

Laxman s/o Newaji Sawarkar (dead) thr. LR's A. Smt. Sushilabai wd/o Laxmanrao Sawarkar and ors.
 vs.
 State of Maharashtra, thr. Collector and ors.

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

Court's or Judge's orders

 Shri S.S. Shingane, Advocate for appellants.
 Shri M.A. Kadu, A.G.P. for respondent nos. 1 to 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 09/02/2021

The Applicants/Appellants herein have sought to condone the delay of 1354 days in preferring the appeal against the judgment and award dated 11.03.2015 in L.A.C. 275 of 2007.

2. In view of the reasons stated in the paragraph 7 and 8 of the application, the delay is condoned. In *Ningappa Thotappa Angadi (dead) thr. LR's vs. The Special Land Acquisition Officer and anr. in Civil Appeal No. 9415 of 2015*, the Apex Court has followed the decision in case of *Dhiraj Singh (dead) thr. LR's and ors. vs. State of Haryana and ors.* and *Imrat lal and ors. vs. land Acquisition Officer and ors.* and has held that the substantive rights of the appellants should not be allowed to be defeated on technical grounds. It is held that in the matter of compensation for land acquisition, the approach of the Court has to be pragmatic and not pedantic. The Apex Court held that the equities can be balanced by denying the Appellant's interest for the period for which

they did not approach to the Court. In view of the decision of the Apex Court, the delay is condoned. The Applicants shall not be entitled for any interest for the delayed period of 1354 days i.e. from the date of the impugned judgment till the date of filing of the appeal.

3. Application stands disposed of accordingly.

FIRST APPEAL NO. _____ OF 2021

Heard.

2. **ADMIT.**

3. Learned Assistant Government Pleader Shri M.A. Kadu waives notice on behalf of respondents.

4. Call for the Records and Proceedings.

5. Paper book to be filed within six months.

JUDGE

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