

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

CIVIL APPLICATION (F) NO.1778 OF 2021
IN
FIRST APPEAL (ST) NO.17804 OF 2017

[Mandakini Sahebrao Kharat and Anr. **..Versus..** The State of
Maharashtra, through the Collector, Buldhana.]

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

Court's or Judge's order

Shri. G. O. Gadge, Advocate for Applicants
Shri. M. A. Kadu, AGP for Non-Applicant.

CORAM : V. M. DESHPANDE, J.

DATE : 29th NOVEMBER, 2021.

1. This is an Application for condonation of delay in filing the First Appeal. The delay is of 1649 days. Notices on this Application were issued. In pursuance to the notice, Shri. M. A. Kadu, learned AGP is appearing on behalf of Respondent/Collector.

2. The land of the Applicants/Original Claimants was acquired by the State. The total area which was acquired by the State for Pentakli Project in Buldhana District for 3.49 H.R. The Land Acquisition Officer has granted compensation at the rate of Rs.53,300/- per hectare. Dissatisfied with the same, the Reference was filed on behalf of the claimants. It appears that the said Reference was dismissed by the Reference Court on 06.11.2012.

3. I have gone through the contents of the Application, it is specifically stated that the Counsel who was appearing on behalf of the Claimants was not representing the Claimants properly before the Trial

Court. Even from the impugned judgment, the said statement made by the Applicants appears to be correct. Thus, the Reference made by the Claimants was dismissed by the Reference Court, for fault of an Advocate. It is my considered view that for fault of an Advocate, the litigant should not be penalized. In that view of the matter, I pass the following order :

ORDER

- i) Civil Application No.1778 of 2021 is **allowed**.
- ii) The delay of 1649 days stands condoned.
- iii) Office is directed to register the Appeal
- iv) At the time of final hearing of Appeal, the Court will decide whether the interest for the delay period should be granted or not.

JUDGE

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