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IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.484 OF 2019

IN

STAMP NUMBER MAIN NO.699 OF 2019 (F)

RAMDAS NANA NAIK AND 2 ORS.,

... APPLICANT

Versus

**DY. COLLECTOR AND SDO, PONDA AND
ANR.,**

... RESPONDENTS

Mr Omkar Kulkarni, Advocate for the Applicants.

Mr S.P. Munj, Additional Government Advocate for Respondent No.1.

Mr Pranav Vaze, Advocate for Respondent No.2.

CORAM:- M. S. SONAK, J.

DATED :- 9th November, 2023

P.C.:

Heard Mr Omkar Kulkarni for the applicants. Mr S.P. Munj, learned Additional Government Advocate appears for the first respondent. Mr Pranav Vaze appears for the second respondent.

2. This is an application seeking condonation of delay of 200 days in instituting an appeal against the award made by the Reference Court.

3. The first and the second respondents have filed an affidavit opposing the condonation of delay.

4. The reason set out in the application is that the

applicants/appellants approached one Advocate, whose name is disclosed in paragraph 6 of the application, to challenge the impugned order. This Advocate was unsure whether the award was to be challenged by filing an appeal or a Writ Petition. It is pleaded that this was a matter arising under the new Land Acquisition Act and even an important issue regards interpretation of Section 24(2) was pending before the Constitution Bench of the Hon'ble Supreme Court. This Advocate therefore advised the appellant that the institution of a Writ Petition at that stage may not be advisable.

5. The application states that the appellants are agriculturists and did not know about the Advocates who practiced before the High Court. It is pleaded that they had to make inquiries and ultimately they engaged two other Advocates who advised them to institute this appeal.

6. The application states that because of all this, there was a delay of 200 days. The delay was not intentional. Due to the delay, it is not as if any undue advantage has been taken by the applicants.

7. Mr S.P. Munj and Mr P. Vaze state that the application should have been accompanied by an affidavit of the Advocate named in para 6 of the application. Considering the circumstances explained, there is no reason to disbelieve the statements in the application simply because the Advocate, who was unsure about the course of action to be adopted, did not file an affidavit. Routinely, condonation of delay

applications on behalf of the Government and acquiring authorities are condoned without insisting an affidavit from the Government Advocates to explain the movement of files from one table to the other.

8. Besides, in this case, the appellants are agriculturists whose land has been acquired. This appeal is only to secure compensation which the appellants think is due and payable to them. The delay is also within bounds of reasonability and the same has been sufficiently explained.

9. Therefore, on cumulative consideration of the cause shown, the same can be said to be sufficient. The delay is therefore condoned.

10. The Misc. Civil Application No.484/2019 is accordingly disposed of without any order for costs.

M. S. SONAK, J.