

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

CIVIL APPLICATION (CAO) NOS. 712 OF 2021
IN
CROSS OBJECTION (XOB)(ST.) NO. 181 OF 2020
IN
FIRST APPEAL NO. 752 OF 2017(D)

EXECUTIVE ENGINEER, K.P. PRAKALP, DEULGAON RAJA, BULDHANA

...VERSUS...

AMBADAS SURYABHAN WAYAL AND OTHERS

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

Court's or Judge's order

Shri Abhijit Parihar, Advocate for appellant.
Shri M.A. Kadu, AGP for respondent no. 5/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 31st JANUARY, 2023

By this application, respondent nos. 1 to 4/cross-objectors (original claimants) are seeking condonation of delay to file the cross-objection.

2. As per the contention of the cross-objectors, they are illiterate and residing at rural area. They have no proper knowledge of law and various legal provisions. As their land was acquired by the appellant acquiring body, they were also facing financial crisis. Therefore, they could not file cross-objection within time. It is further contention of the cross-objectors that the learned Reference Court though enhanced the compensation amount but inadequate compensation was granted and therefore, they be permitted to litigate their cross on merits.

3. The said application is strongly opposed by Shri Parihar, learned counsel for the appellant, on the ground that, there is no justifiable and reasonable ground for condonation of delay. In alternate, the learned counsel, Shri Parihar submitted that if the delay is condoned, then the cross-objectors shall not be entitled for the interest for delayed period.

4. Heard both the sides. Perused the application. Considering the reasons mentioned in the application that, the cross-objectors lost their earning as their land was acquired by the government. The another reason mentioned is that, as they were facing financial crisis, they could not file cross-objection within time and therefore, delay of 874 days is caused. The reason appears to be reasonable and justifiable one, however, the claimants would not be entitled for the interest for delayed period. Hence, I proceed to pass the following order:-

ORDER

- i) Delay is hereby condoned on waiver of interest for delayed period.
- ii) Accordingly, the present application is disposed of.
- iii) The cross-objection be taken on record.

CROSS OBJECTION (XOB)(ST.) NO. 181 OF 2020

Issue notice to the respondents in cross-objection.

2. Shri M.A. Kadu, learned AGP waives notice for the respondent no. 5/State.

(URMILA JOSHI-PHALKE, J.)