

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

CIVIL APPLICATION NO.1943 OF 2022

IN

FIRST APPEAL (ST.) NO.1040 OF 2022

(Bhivrao s/o Bhiku Chavan Vs. The District Collector, Yavatmal and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Zade, Advocate h/f Shri VN. Patre, Advocate for the
appellant.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 5, 2023.

Heard.

2. The application is for condonation of delay which is caused in preferring the appeal against the judgment and award passed in L.A.C. No.401/2002.

3. As per the contention of the applicant, he was the owner of the agricultural land which was acquired by the Government under the compulsory acquisition. As inadequate compensation amount was granted by the Special Land Acquisition Officer, he had preferred the reference and claim the compensation @ 2,50,000/- however, reference Court has also not considered the evidence and awarded the compensation @ Rs.30,000/- per hectare.

4. Being aggrieved with the same, the appeal is preferred for enhancement of compensation however, reference Court has passed the order on 04/06/2007 but

the acquiring body has deposited the amount of compensation on 18/06/2021.

5. As the applicant is poor agriculturist and he had not received the compensation amount till 18/06/2021, he could not arrange for the court fee. As he has lost his only earning source due to the acquisition of the land after receipt of the compensation amount he filed the appeal along with this application. Thus, there is sufficient and reasonable cause for condonation of delay and hence delay be condoned.

6. Said application is strongly opposed by the learned Assistant Government Pleader on the ground that the delay is not properly explained. There is inordinate delay for which no satisfactory reasons are made out. Hence, application deserves to be rejected.

7. None present for respondent No.2.

8. Heard both the sides and perused the application.

9. Considering the reasons mentioned in the application that the land of the applicant was acquired in the year 2001 itself and the compensation amount was paid to him on 18/06/2021 though the award was passed on 04/06/2007. As the applicant has lost his earning source due to the acquisition of the land, and therefore, he could not arrange the amount, is the sufficient and satisfactory reasons for condonation of delay. It is apparent that the acquiring body has not deposited the

compensation amount till 18/06/2021.

10. By considering this fact in the present case, the delay is condoned subject to the waiver of the interest from 18/06/2021 till 11/12/2021. The delay is condoned.

FIRST APPEAL (ST.) NO.1040 OF 2022

Heard.

2. Appeal be registered.

3. **ADMIT.**

4. Learned Assistant Government Pleader waives notice for respondent Nos.1 and 3.

5. Call for R. & P.

6. The appellant to file private paper book within 10 weeks after receipt of R. & P.

7. Place the matter for final hearing after filling of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*