

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

CIVIL APPLICATION (F) NO.569 OF 2023

IN

FIRST APPEAL (ST) NO.4066 OF 2022

[Gautam s/o Suganchand Chopda ..V/s.. The State of Maharashtra and
Ors.]

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

Court's or Judge's order

Mr A. B. Nakshane, Advocate for Applicant/Appellant.
Ms T. H. Udeshi, AGP for Respondent Nos.1 and 2.
Mr K. R. Lule, Advocate for Respondent No.3

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18th APRIL, 2023.

. Heard.

2. Present application is for condonation of delay on the ground that the applicant/appellant was facing financial crisis, as his land was already acquired and he has no source of income.

3. The appellant has not received the compensation amount, and therefore, delay of 2803 days is caused in preferring the appeal. It is submitted that the delay is not intentional one. He submitted that there is satisfactory reason for condonation of delay.

4. The said application is strongly opposed by the learned Assistant Government Pleader on the ground that the delay is not properly explained and hence deserves to be rejected.

5. Mr Lule, learned Advocate for respondent No.3 also submitted that the delay is not properly explained, and hence, the application deserves to be rejected.

6. Heard both the sides. Perused the application.
7. It is apparent that the land of the claimant was acquired by the Government under the compulsory acquisition though the compensation amount is awarded. The claimant received the same recently, and therefore, he could not file the appeal within time.
8. Considering the reasons mentioned in the application and the applicant also placed reliance on *Imratlal and Ors. ..V/s.. Land Acquisition Collector and Ors.*, reported in *(2014) 14 SCC 133*, wherein the Hon'ble Apex Court observed in para 11, which is reproduced hereunder for reference :

“We can take judicial notice of the fact that villagers in our country are by and large illiterate and are not conversant with the intricacies of law. They are usually guided by their co-villagers, who are familiar with the proceedings in the Courts or the advocates with whom they get in touch for redressal of their grievance. Affidavits filed in support of the applications for condonation of delay are usually drafted by the advocates on the basis of half baked information made available by the affected persons. Therefore, in the acquisition matters involving claim for award of just compensation, the Court should adopt a liberal approach and either grant time to the party to file better affidavit to explain delay or suo motu take cognizance of the fact that large number of other similarly situated persons who were affected by the determination of compensation by the Land Acquisition Officer or the Reference Court have been granted relief.”

9. In view of the observations of the Hon'ble Apex Court and considering the grounds raised in the application, the application

is allowed and delay of 2803 days is condoned subject to the waiver of the interest for the delayed period till today i.e. 18.04.2023 on the compensation amount. Appeal be registered and numbered accordingly.

10. Civil application is disposed of accordingly.

FIRST APPEAL (ST) NO.4066 OF 2022.

11. Heard.

12. **Admit.**

13. Call for Record and Proceedings.

14. Ms Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2 and Mr Lule, learned Advocate waives notice for respondent No.3.

15. The appellant to file the private paper-book within ten weeks after receipt of record and proceedings.

16. Place the matter for final hearing after filing of paper-book, its verification as per its own turn.

JUDGE