

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

**CIVIL APPLICATION NO.395 OF 2023 IN
CROSS-OBJECTION (ST.) NO.3434 OF 2018 IN
FIRST APPEAL NO.112 OF 2018**
(Bhimrao Nanda Rathod Vs. V.I.D.C and ors.)

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

Court's or Judge's Order

Ms I.P Khisti, Advocate for the appellant.
Shri A.B. Nakshane, Advocate for respondent No.1.
Shri M.A. Kadu, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 21, 2023.

Heard.

2. This is an application for condonation of delay of 32 days which is caused in filing the cross-objection.

3. As per the contention of the cross-objector, due to the financial difficulty, he could not file the cross-objection within time.

4. He placed reliance on ***Imratlal and ors. Vs. Land Acquisition Collector and ors. (2014) 14 SCC 133*** wherein Hon'ble Apex Court observed in paragraph No.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.

5. In view of the observation of the Hon'ble Apex Court, present applicant is made out the case for condonation of delay.
6. In the result, application is allowed and delay of 32 days is condoned.
7. Civil application is disposed of.

CROSS-OBJECTION (ST.) NO.3434 OF 2018

Cross objection is taken on record.

2. Shri A.B. Nakshane, learned Counsel for respondent No.1 and Shri Kadu, learned Assistant Government Pleader for respondent Nos.2 and 3, waive notice.

FIRST APPEAL NO.112 OF 2018

Heard.

2. Ms Khisti, learned Counsel for the appellant submitted that the issue involved in this appeal is covered

by the earlier judgment, however, she has to verify the facts.

3. Stand over to two weeks.

(URMILA JOSHI-PHALKE, J.)

**Divya*