

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 2821 OF 2022
IN
FIRST APPEAL (ST.) NO. 5762 OF 2022

Smt. Shantadevi Suganchand Chopda and others
..VS..
State of Maharashtra and others

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

Court's or Judge's orders

Mr. S.V. Ingole, Advocate h/f Mr. A.B. Nakshane, Advocate for applicants.
Ms. Trupti Udeshi, AGP for respondent Nos.1 and 2.
Mr. K.R. Lule, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : APRIL 13, 2023

Heard.

2. Present application is for condonation of delay on the ground that the appellants were facing financial crisis as their land was already acquired and they had no source of income.

3. They had also not received the compensation amount, and therefore, delay of 2672 days is caused in preferring the appeal. It is submitted that the delay is not intentional one. There is satisfactory reason for condonation of delay.

4. 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. Learned Counsel 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 claimants were acquired by the Government under the compulsory acquisition though the compensation amount is awarded. The claimants received the same recently, and therefore, they 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. 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.

9. In view of the observation of the Hon'ble Apex Court and considering the grounds raised in the application, delay of 2672 days is condoned subject to waiver of the interest for the delayed period on the compensation amount.

10. Civil application is disposed of.

FIRST APPEAL (ST.) NO. 5762 OF 2022

Appeal be registered.

2. **ADMIT.**

3. Ms Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2 and Shri Lule, learned Counsel for respondent No.3, waive notice.

4. Call for R. & P

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

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

(URMILA JOSHI-PHALKE, J.)

Kirtak