

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

CIVIL APPLICATION (CAF) NO.1940 OF 2022
IN
FIRST APPEAL STAMP NO.5750 OF 2021

Shevantabai wd/o Rama Rohankar and others

Vs.

State of Maharashtra, through the Secretary, Ministry of Irrigation Department
Mantralaya, Mumbai 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. R. Charpe, Advocate for applicants.
Mr. Amit Kukday, Advocate for non-applicant Nos.2 and 3.
Mr. A. M. Kudu, AGP for non-applicant Nos.1, 4 and 5.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/03/2023

1. Present application is for seeking condonation of delay.
2. As per contention for the applicants, they have preferred this appeal for enhancement of the compensation as land Reference Court has awarded the inadequate compensation. Their land is already acquired by the Government under the compulsory acquisition. The applicants are the poor illiterate agriculturists were not aware about the legal provisions. Moreover, one of the claimant Rama s/o Pandurang Rohankar was suffering from various ailments and he died due to the said ailments. Present applicants are his legal heirs, they were under grief and therefore, they could not

approach to their counsel to prefer an appeal. Therefore, the delay of 635 days is caused in preferring the appeal.

3, Learned AGP Mr. Kadu for non-applicant Nos.1, 4 and 5 raised objection on the ground that delay is not properly explained.

4. Learned Advocate Mr. Kukday for non-applicant Nos.2 and 3 endorsed the same contentions.

5. Perused the application. In view of the reasons mentioned in the application, it is apparent that sufficient and satisfactory reason is mentioned in the application. The applicant No.6 is an illiterate lady, applicant No.1 is also an illiterate lady and other applicants are the agriculturists who were not aware about the legal provisions and therefore, the delay is caused. It is well settled that while considering the delay application, liberal approach is to be accepted to do the substantial justice.

6. In view of that, Civil Application No.1940/2022 is disposed of by condoning the delay subject to the waiver of the interest, if the applicants succeed in enhancement of the compensation.

7. First Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned AGP Mr. Kadu, waives notice for respondent Nos.1, 4 and 5.

4. Learned Advocate Mr. Kukday waives notice

for respondent Nos.2 and 3.

5. Call for record and proceeding.
6. Appellants to file paper book within ten weeks, after receipt of the record and proceedings.
7. Appeal be placed after paper book is filed, its verification.

(URMILA JOSHI-PHALKE, J.)

Sarkate