

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

**CIVIL APPLICATION NO.2698 OF 2021 IN
FIRST APPEAL (ST.) NO.7596 OF 2020**

(Pankaj Nemichand Runawal and anr. Vs. The State of Maharashtra 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 R.D. Hazare, Advocate for the appellants.
Ms Udeshi, AGP for the State.
Ms M. Babhulkar, Advocate for respondent No.3.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 08, 2023.

Heard.

2. Issue notice to the respondents.
3. Learned Assistant Government Pleader for respondent Nos.1 and 2 and Ms Babhulkar, learned Counsel for respondent No.3, waive notice.
4. Present application is filed by the appellants for condonation of delay of 5016 days which is caused in preferring the appeal. As per the contention of the appellant, they have filed LAC No.491/2003 decided on 23/03/2006 whereby Reference Court has allowed the reference partly. Hence, the appellants have filed this appeal for enhancement of compensation. However, due to the paucity of fund they could not file an appeal within time, therefore, delay of 5016 days is caused in preferring the appeal.
5. Said application is strongly opposed by the respondents on the ground that the delay is not properly explained and is intentional one. Alternatively it is prayed

by Ms Babhulkar, learned Counsel for respondent No.3 that the delay be condoned on waiver of the interest on the compensation amount as well as statutory amount.

6. Shri Hajare, learned Counsel for the appellants submitted that there is sufficient and reasonable cause for condonation of delay. He placed reliance on the order passed by this Court in Civil Application No.528 of 2020 wherein the delay of 10253 days is condoned.

7. Heard both the sides and perused the application.

8. Only ground raised in the application is that the appeal is not filed due to paucity of fund, and therefore, delay be condoned. In Civil application No.528/2020, this Court has placed reliance on the judgment of the Hon'ble Apex Court in the case of ***Imratlal and ors. Vs. Land Acquisition Collector and ors. (2014) 14 SCC 133.***

9. I have perused the judgment. It is held by the Hon'ble Apex Court that 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 application for condonation of delay are usually drafted by the advocates on the basis of halfbaked 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.

10. In view of the observation of the Hon'ble Apex Court and in view of the well settled legal position that while considering the delay condonation application, liberal approach is to be taken to do the substantial justice.

11. The delay in the present case be condoned subject to the waiver of the interest of compensation amount.

12. Civil application is disposed of.

FIRST APPEAL (ST.) NO.7596 OF 2020

Appeal be registered.

2. **ADMIT.**

3. Call for record and proceedings.

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

5. Place the matter for final hearing after paper book is filed and its verification, as per its turn.