

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

CIVIL APPLICATION (CAF) NO. 4190/2019 IN
FIRST APPEAL STAMP NO.8228/2019

Subhash S/O Lalchand Begani
Vs

The State Of Maharashtra Through District Collector, Buldhana And Another

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

Court's or Judge's Order

Mr R.P. Masurkar, Advocate for the appellant/applicant.

Mrs Shamshi Haider, AGP for the respondent No.1.

Mr Nikhil Waghmare, Advocate h/f Mr P.B.Patil, Advocate for the
respondent No. 2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/02/2023.

1. Heard.
2. By preferring this application, the appellant is seeking condonation of delay which is caused in preferring the appeal against the judgment and award passed by the Joint Civil Judge, Senior Division, Buldhana. However, the delay is caused in preferring the appeal.
3. As per the contention of the appellant, appellant is the poor agriculturist and also illiterate person, who is living in remote areas. His only source of income was agricultural land which has been acquired by the respondents without granting them proper compensation.

The reference Court had also not awarded the adequate compensation to the appellant.

4. It is further contention of the appellant that, the land was acquired under the nature of compulsory acquisition. Their financial condition was not sound to approach this Court and to pay the Court fees and therefore, they could not approach to the Court within time.

5. It is further contention of the appellant that, they did not have knowledge of legal proceedings and limitation of filing first appeal. Therefore, the delay is caused.

6. The said application is strongly opposed by the learned advocate for the respondent No.2 submitted that there is no sufficient reason mentioned in the application. Therefore, application deserves to be rejected. As the reasons mentioned in the application are not justifiable one.

7. Heard both the sides. Perused the application.

8. The ground raised by the appellant, they are illiterate villagers and not aware about the legal proceedings. Moreover, it is submitted that, meager amount is awarded by the reference Court by enhancing the compensation and therefore, the appellant could not approach to this Court for filing the appeal.

9. It is submitted by the learned advocate for the appellant Mr R.P. Masurkar that, the Land Acquisition Officer has awarded Rs.14,878/- which was enhanced by the reference Court i.e. Rs. 18,906/-. Thus it is apparent

that meager amount was enhanced by the reference Court. Therefore, the appellant could not arranged for the compensation amount.

10. It is pertinent to note that, illiterate villagers are not aware about the legal provisions, they get advice from the other villagers and on various occasions, they did not approached to the counsels for filing the appeal. After getting advice, they approached to the counsels to file the appeal and i.e. always a reason for delayed filing of the appeal.

11. Considering the appellant is rustic villager and illiterate. It is further well settled that expression sufficient caused should receive a legal construction, so as to advice the substantial justice when no negligence or inaction or want of bonafide is imputable to a party. In the present case also, the appellant is illiterate villagers, delay is not intentional one. However, considering the inordinate delay, the delay can be condoned. Subject to the waiver of the interest for the delayed period.

12. In view of that delay of 1994 days is condoned, subject to the waiver of interest of the delayed period.

Civil application is allowed.

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1. Appeal be registered.
2. Call for record and proceedings.

3. Appellant to file private paper book within a period of ten weeks after receipt of record and proceedings.
4. Place the matter for final hearing after filing of private paper book and its verification, as per its turn.

JUDGE