

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

**CIVIL APPLICATION NO.19 OF 2023 IN
FIRST APPEAL (ST.) NO.11281 OF 2022**

(Fatechand Surajmal Singhvi 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 P.S. Kshirsagar, Advocate for the appellant.
Ms Babhulkar, Advocate h/f Shri M.A. Kadu, Advocate for R.No.3.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 28, 2023.

Heard.

2. Present application is filed for seeking condonation of delay on the ground that the appellant is the poor agriculturist, was not aware about the legal provisions.

3. As the compensation amount was not deposited, he could not arrange for the court fee, and therefore, the delay of 1103 days is caused in preferring the appeal. Delay is not intentional one.

4. Said application is strongly opposed by learned Assistant Government Pleader and Ms Babhulkar, learned Counsel for respondent No.3 on the ground that the delay is not properly explained.

5. Heard both the sides. Perused the application.

6. It is apparent that the claimant has not received the compensation amount as it was not deposited immediately after the award is passed. Other grounds

raised is that the claimant being the poor agriculturist, illiterate person and unaware about the legal provisions, and therefore, the delay is caused.

7. This issue is already dealt by the Hon'ble Apex Court in the case of ***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.

8. In view of the observation of the Hon'ble Apex Court, present applicant is made out the case for condonation of delay.

9. In view of the reasons mentioned in the application, the delay is not intentional one. There is sufficient and reasonable cause for condonation of delay, hence delay is condoned subject to the waiver of the interest on the compensation amount.

10. In the result, application is allowed and delay of is condoned.

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Appeal be registered.

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

3. **ADMIT.**

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.)

**Divya*