

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

CIVIL APPLICATION (CAF) NO. 3370/2019 IN
FIRST APPEAL ST. NO. 12452/2019

Sau. Shantabai Raghunath Chavan

Vs

The State Of Maharashtra, thr. Collector, Yavatmal And Others

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

Court's or Judge's Order

Mr A.VBhide, counsel for the appellant.

Ms T.H. Udeshi, AGP for the respondent Nos. 1 and 2.

Mr M.A. Kadu, counsel for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/05/2023.

1. Heard.
2. The present application is for seeking condonation of delay on the ground that the land of the appellant was already acquired by the Government under compulsory acquisitions. She is a lady, who has only source of income was the land. Due to the acquisition of the land, only a small portion of 13 acres of land is with her and there is no source of income. She is also not aware about the legal intricacies therefore, she could not approach to the counsel to prefer an appeal. Therefore, a delay of 172 days is caused in preferring the appeal.
3. The present application is strongly opposed by the learned AGP for respondent Nos. 1 and 2 as well as the learned advocate for respondent No.3 on the ground that delay is not properly explained.

4. Heard both the sides. Perused the application.
5. Considering the reasons mentioned in the application and it is apparent from the record that only 13 acres of land is left with the applicant and she has no source of income. Therefore, she could not manage the amount to pay the Court fee stamp. The applicant has claimed the compensation under the beneficial legislation and therefore, she cannot be deprived of claiming her right for the technical reason. In view of that, by taking a liberal approach to do substantial justice, delay deserves to be condoned, subject to the waiver of the interest for the delayed period.
6. In view of that, delay of 172 days in condoned, civil application is allowed and disposed of.

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1. The appeal be registered.
2. **Admit.**
3. Call for record and proceedings.
4. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.
5. Mr M.A. Kadu, learned advocate waives service of notice on behalf of respondent No.3.
6. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.

7. Appeal be placed before the Court after filing of private paper-book and its verification, as per its own turn.

JUDGE