

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

**CIVIL APPLICATION NO.1454 OF 2022 IN
FIRST APPEAL (ST.) NO.14669 OF 2021**

(Janglu s/o Ganpatrao Kapse Vs. The Special Land Acquisition Officer, Nagpur and ors.)

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

Court's or Judge's Order

Ms S. Najbile, Advocate h/f Shri C.R. Najbile, Advocate for the appellant.
Shri T.M. Zaheer, Advocate h/f Shri A. Parihar, Advocate for respondent No.3.
Shri M.A. Kadu, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 16, 2023.

Heard.

2. This is an application for condonation of delay which is caused in preferring the appeal for the enhancement of the compensation.

3. As per the contention of the appellant, due to acquisition of the land they have no source of income and was facing financial crisis, therefore, was not in a position to pay court fee and hence, delay of 1719 days is caused in preferring the appeal.

4. The notice of the said application is served on the respondents.

5. Shri Zaheer, learned Counsel holding for Shri Parihar represented respondent No.3 and submitted that on waiver of the interest, he has no objection to condone the delay.

6. Shri Kadu, learned Assistant Government Pleader has no objection to condone the delay.

7. Heard learned Counsel for the appellant. She

placed reliance on ***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 the result, application is allowed and delay of 1719 days is condoned subject to waiver of the interest of compensation amount, waiver of the interest on the statutory amount, if claimants succeeds in the appeal and enhance the compensation.

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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.

(URMILA JOSHI-PHALKE, J.)

**Divya*