

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

CAF NO.74/2020 IN FA ST.NO.17453/2019
Smt.Mangla w/o Subhash Dhakulkar and ors

..VS..

The State of Mah., thr.Spl.LAO Nagpur and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri C.R.Najbille, Counsel for the Applicants.
Ms T.H.Udeshi, AGP for NA No.1.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2023

1. This appeal is preferred by claimants for enhancement of compensation. However, there is delay of 872 days and, therefore, the present application is preferred.

2. As per contentions of the applicants, the applicants are poor agriculturists and also rustic villagers. The only source of income was their agricultural land which has been acquired by the acquiring body without granting adequate compensation. The Reference Court also did not award the compensation to which the applicants are really entitled. As the applicants are rustic villagers and were not aware about legal provisions, they could not approach counsel to prefer the appeal. As such, the delay is caused in preferring the appeal. It is contention of the applicants that delay is not intentional one. There is sufficient and reasonable cause for condonation of delay.

3. The application is opposed by respondents on the ground that the delay is not properly explained.

4. Heard and perused the application.

5. The applicants are poor agriculturists and rustic villagers and admittedly they lost their source of income as their land was acquired. As inadequate compensation was granted by the Land Acquisition Officer, they preferred reference. As per

contention of the applicants, even the Reference Court has not awarded compensation to which the applicants really entitled and, therefore, this appeal is filed.

6. It is a well settled law that while considering delay applications, liberal approach is to be taken to do substantial justice. Admittedly, the applicants have lost their agricultural land.

7. For reasons stated in the application, the application is **allowed**. The delay stands condoned, however the same shall be subject to waiver of interest on the delay period.

8. Office to register the first appeal.

9. The first appeal is **Admitted**. Record and proceedings be called for. Paper book be filed within a period of ten weeks from today. Learned counsel for respective respondents waive service.

10. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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