

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

CAF NO.8/2020 IN FA ST.NO.1746/2019

Gulab s/o Ashru Kakde

..VS..

The State of Mah., thr.Collector, Buldhana and anr

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

Court's or Judge's Order

.....
Shri D.G.Patil, Counsel for the Applicant.
Shri Tariq M.Zaheer, Counsel for NA No.3.
Ms T.H.Udeshi, AGP for NA Nos.1 & 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2023

1. This appeal is preferred by claimant for enhancement of compensation. However, there is delay of 3548 days and, therefore, the present application is preferred.

2. As per contentions of the applicant, the applicant is poor agriculturist and also rustic villager. The only source of income was his 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 applicant is really entitled. As the applicant is rustic villager and was not aware about legal provisions, he could not approach counsel to prefer the appeal. As such, the delay is caused in preferring the appeal. It is contention of the applicant 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 applicant is poor agriculturist and rustic villager and admittedly he lost his source of income as his land was acquired. As inadequate compensation was granted by the Land

Acquisition Officer, he preferred reference. As per contention of the applicant, even the Reference Court has not awarded compensation to which the applicant 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 applicant has lost his 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 !!

BHUSHAN
RANA
WANKHEDE

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date:
2023.03.01
11:56:14 +0530