

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

**CIVIL APPLICATION NO.1795 OF 2022 IN
FIRST APPEAL (ST.) NO.24251 OF 2019**

(Ramrao Punaji Shivarkar Vs.The State of Maharashtra & ors.)

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

Court's or Judge's Order

Shri A.B. Nakshane, Advocate for the appellant.
Ms I.P Khisti, Advocate for respondent No.3.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 11, 2023.

Heard.

2. Present application is for condonation of delay caused in filing the appeal.

3. The application is filed on the ground that the appellant has already lost his land which was acquired by the Government under the compulsory acquisition and inadequate compensation was granted by the Land Acquisition Officer as well as the reference Court.

4. The appellant had received the enhancement amount of compensation belatedly, and therefore, he could not file the appeal within time.

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

6. The appellant 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.

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

8. In the result, application is allowed and the delay is condoned subject to waiver of the interest for the delayed period on the compensation amount.

9. Civil application is disposed of.

FIRST APPEAL (ST.) NO.24251 OF 2019

Heard.

2. Appeal be registered.
3. **ADMIT.**
4. Learned Assistant Government Pleader for respondent Nos.1 and 2 and Ms Khisti, learned Counsel for respondent No.3, waive notice.
5. Call for R. & P.
6. The appellant to file private paper book within ten weeks after receipt of R. & P.
7. Place the matter after filing of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*