



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

CIVIL APPLICATION [CAF] NO.1592 OF 2023

IN

FIRST APPEAL ST. NO.5798 OF 2021

[Late Khilawan @ Ramkhilawan Shankar Pardesi @ Kashikar and others .vs. State of Maharashtra
and one]

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

Court's or Judge's orders

Shri Amol Darekar, Advocate for Applicants-Appellants,
Ms. Deepa Charlewar, AGP for Respondent No.1.

.....

CORAM : SANJAY A. DESHMUKH, J.

DATE : SEPTEMBER 06, 2024.

1. This is an application filed by the applicants-appellants under Section 5 of the Limitation Act for condonation of 3283 days delay in filing the first appeal. Perused the application.

2. The reasons stated in the application are that the appellants could not manage the money for payment of court fees due to financial poor condition.

3. Learned Assistant Government Pleader has strong objection to allow the application.

4. The Hon'ble Supreme Court in the case of *Imrat Lal and others .vs. Land Acquisition Collector and others*, reported in *(2014) 14 SCC 133*, in para no.11, held as under :

"We can take judicial notice of the fact that the 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 a 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.”

5. In view of the law laid down by the Apex Court referred herein-above, the application deserves to be allowed in the interest of justice, as the delay is not caused deliberately. However, it is clarified that in view of the judgment of the Apex Court, if the compensation is awarded, the applicants will not be entitled to statutory benefits like the interest etc. for the period of delay of 3283 days caused for filing the appeal.

6. The application is thus allowed and disposed of.

FIRST APPEAL ST. NO.5798 OF 2021

1. Heard.
2. **Admit.**
3. Issue notice to the respondents.
4. Learned Assistant Government Pleader waives notice for respondent no.1.
5. Call record and proceedings.

(SANJAY A. DESHMUKH, J.)