



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

CIVIL APPLICATION [F] NO.2356 OF 2024

IN

FIRST APPEAL ST. NO.10834 OF 2024

[Shahin Bi w/o Abdul Salam Khan .vs. The Union of India, General Manager, Central Railway,
CSMT, Mumbai]

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

Court's or Judge's orders

Ms. Sumesha Chaudhari/Borkar, Advocate for applicant-appellant,
Ms. N.G. Chaubey, Advocate for the respondent.

CORAM : SANJAY A. DESHMUKH, J.

DATE : SEPTEMBER 06, 2024.

1. This is an application for condonation of delay of 1013 days in filing the appeal. Perused the application.
2. Heard the learned advocates for both the sides.
3. Learned Advocate for the respondent Ms. N.G. Chaubey has strong objection to allow the application.
4. The reasons stated in the application are that the applicant is poor and could not manage the money for filing the appeal within time.
5. 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.”

6. 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 applicant will not be entitled to statutory benefits like the interest etc. for the period of delay of 1013 days caused for filing the appeal.

7. The application is thus allowed and disposed of.

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1. Heard.
2. **Admit.**
3. Issue notice to the respondent.
4. Ms. N.G. Chaubey, learned Advocate waives notice for the respondent.
5. Call record and proceedings.
6. Filing of the paper book is dispensed with, subject to the condition that the copies of the relevant papers be provided to the learned counsel for the respondent.
7. Stand over after six weeks.

(SANJAY A. DESHMUKH, J.)