



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

CIVIL APPLICATION (CAF) NO.2457 OF 2024 IN
FIRST APPEAL ST. NO.13436 OF 2024

Madhav Jita @ Zita Rathod .Vs. State of Mah., and others

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

Court's or Judge's Order

Shri Mohit Dube, Adv. h/f Shri A.B. Nakshane, Adv. for appellant.
Ms Deepa I. Charlewar, A.G.P. for respondents/State.
Shri M.A. Kadu, Advocate for respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 05/09/2024

1. Issue notice to the respondents.
2. The learned A.G.P. waives service of notice for the respondents/State.
3. Shri Kadu, learned advocates waives service of notice for the respondent No.3.
4. This is an application for condonation of delay of 2142 days caused for filing appeal.
5. Heard learned advocates for both sides.
6. Perused the application.
7. The Hon'ble Supreme Court of India in the case of *Imratlal and others ..vs.. Land Acquisition Collector*, reporter in 2014 (9) Scale 446 had observed in para 13 '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 advocates with whom they get in touch for redressal of their grievance. Affidavits filed in support of the application 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 that 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.’

8. It is made clear that in view of the decision in the case of ***New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another***, reported in (2022 SCC Online SC 1599), the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payment under the Land Acquisition Act on the enhanced amount of compensation for the delayed period, in case the appeal is allowed.

9. The civil application stands **disposed of**, accordingly.

FIRST APPEAL ST. N.13436 OF 2024

10. Issue notice to the respondents.
11. The learned A.G.P. waives service of notice for the respondents/State.
12. Shri Kadu, learned advocate waives service of notice for the respondent No.3.

(SANJAY A. DESHMUKH, J.)