



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

CIVIL APPLICATION [CAF] NO.3661 OF 2024 IN
FIRST APPEAL ST. NO.21326 OF 2024

[Shri Subhash Tulshiram Khatik .vs. The State of Maharashtra and others]

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

Court's or Judge's orders

 Mr. S.V. Ingole, Advocate for Applicant.
 Mr. S.S. Hulke, AGP for Respondent Nos.1 and 2.
 Mr. M.A. Kadu, Advocate for Respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 14th DECEMBER, 2024.

1. This is an application for condonation of delay of 2195 days caused for filing the first appeal.
2. Perused the application.
3. Heard the learned advocate for both sides.
4. Learned advocate for the applicant submitted that the applicant is old aged agriculturist having no knowledge of law and procedure. He came to know that some of the farmers/agriculturist of his village got enhanced amount of compensation for their acquired lands and, therefore, he filed this application for condonation of delay. He pointed out the precedential law of **Imrat Lal and others .vs. Land Acquisition Collector and others, reported in (2014) 14 SCC 133**. He stated that the delay is not deliberately caused. It is lastly prayed to allow the application.
5. Learned AGP for respondent nos.1 and 2 and learned advocate for respondent no.3 strongly opposed the application as there is no any reason to condone the delay.

6. On perusal of the application, it appears that the applicant is old aged agriculturist having no knowledge of law and procedure. He came to know that some of the farmers/agriculturist of the village got enhanced amount of compensation for their acquired lands. Thus, it appears that the delay is not deliberately caused. In view of the law laid down by the Supreme Court in case of **Imratlal Lal** (cited supra), the application deserves to be allowed.

7. The application is allowed in the interest of justice. The delay of 2195 days caused for filing the first appeal is hereby condoned. It is clarified that the applicant is not entitled for the interest for the delayed period, if the appeal is allowed, in view of precedential of law of **New Okhla Industrial Development Authority .vs. Rameshwar @ Ramesh Chandra Sharma, reported in 2019 SCC OnLine SC 1611.**

8. The application is allowed and disposed of.

9. Appeal be registered.

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1. Heard.

2. Issue notice to the respondents.

3. Learned AGP waives notice for respondent nos.1 and 2 and learned advocate waives notice for respondent no.3.

4. By consent, stand over to 18.12.2024.

(SANJAY A. DESHMUKH, J.)