



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

CIVIL APPLICATION (CAF) NO.3539 OF 2024 IN
FIRST APPEAL ST. NO.23433 OF 2024

Smt. Asha Ambadas Nagpure .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 Rajesh Nagpure, Advocate for appellant.
Shri S.S. Hulke, A.G.P. for respondents/State.
Shri M.A. Kadu, Advocate for respondent No.2.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 20/12/2024

1. This is an application for condonation of delay of 5096 days caused for filing first appeal.
2. Heard learned advocates for both sides.
3. Perused the application.
4. Report from Registrar was called and registry reported that, no case is found in Computer system by the name of Smt. Asha Ambadas Nagpure, the appellant.
5. The learned advocate for the appellant submitted that, matter is covered by the earlier judgment of this Court. He submitted that, delay is not deliberately caused. The appellant is agriculturist and poor farmer.
6. The learned A.G.P. and Shri Kadu, learned advocate for the respondent No.2 strongly objected the application.

7. Considering fact that delay is not deliberately caused and the matter has been covered by the earlier judgment of this Court, the application deserves to be allowed in the interest of justice without avoiding costs.

8. As per the law laid down in the case of ***Imrat lal and others Vs. Land Acquisition Collector***, reported in 2014 (9) Scale 446 had observed in para 13:

“13. we can taken 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 backed 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.”

9. Considering reason stated in the application as well as ratio laid down in the authority of ***Imrat lal*** cited (Supra), and the appellant having poor farmer, the application therefore deserves to be allowed. The application is **allowed**.

10. 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. Delay of 5096 days is condoned. The appellant shall not be entitled for the statutory benefit like interest etc. for the delayed period of 5096 days.

11. The application is **disposed**.

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1. Issue notice to the respondents.
2. The learned A.G.P. waives service of notice for the respondents/State.
3. Shri Kadu, learned advocate waives service of notice for the respondent No.2.
4. Stand over to **14.01.2025**.

(SANJAY A. DESHMUKH, J.)