



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 591 OF 2024
IN
FIRST APPEAL ST. NO.7746 OF 2021

SMT. SUMITRABAI W/O VITTHALRAO DESHMUKH (DEAD) THROUGH LRS
Vrs.
THE STATE OF MAHARASHTRA 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 P. P. Deshmukh, Advocate for applicant/appellant.
Shri P. P. Pendke, AGP for respondent Nos.1 and 2.
Shri S. U. Nemade, Advocate for respondent Nos.3 and 4.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 22/08/2024.

1. This is an application for condonation of delay of 9545 days caused for preferring appeal.
2. Learned advocate for the applicant pointed out that there is Judgment of this Court by which the amount of compensation was enhanced. Therefore, the applicant is entitled for the enhanced compensation on the principle of parity.
3. Learned advocates for both sides further submitted that in such case, delay can be condoned liberally. They are relying upon the authority of **Imrat Lal and others / Land Acquisition Collector and others**, reported in **2014 (14) SCC 133** in which the law is laid down as under :-

“Delay in filing appeals in land acquisition matters – Villagers in our country are illiterate – Court should adopt a liberal approach – In the instant case, delay of 1110 days condoned in filing special leave petition”.

4. Learned advocates for the respondents have strongly objected the application and submitted that delay of 9545 days is not properly explained. Therefore, application deserves to be rejected.

5. Considering the fact that already, there is judgment of this Court enhancing the amount of compensation to the other agriculturists whose lands are acquired under one and the same project.

6. Considering the law laid down in the case of **Imrat Lal and others (supra)**, delay of 9545 days deserves to be condoned in the interest of justice by construing Section 5 of the Limitation Act liberally.

7. The application is, therefore deserves to be allowed. The application is allowed as prayed.

8. It is clarified that the delay is condoned subject to decision of **New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)**. In case, if the amount is enhanced, then the claimants shall not be entitled for the statutory benefits like interest, etc. during delayed period.

9. The application is disposed of.

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10. Learned advocates for both sides submit that the matter is likely to be compromised.
11. Shri S. Y. Deopujari, learned counsel is appointed to mediate the matter.
12. The parties to appear before the learned Mediator on **05/09/2024**.
13. Learned advocate for the appellant submits that First Appeal St.No. 441/2021 be tagged with this appeal.

[SANJAY A. DESHMUKH, J.]

Choulwar