



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

**CIVIL APPLICATION (CAF) No.2222 OF 2024**  
**IN**  
**FIRST APPEAL ST. No.23539 OF 2023**

(Arun s/o. Ramaji Mahitkar Vs. The State of Maharashtra, through the Collector, Nagpur  
and another)

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

Court's or Judge's orders.

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Ms. Rajkumari Rai, Advocate for appellant.

**CORAM : SANJAY A. DESHMUKH, J.**  
**DATE : 9<sup>th</sup> SEPTEMBER, 2024.**

1. This is an application filed by the appellant for condonation of delay of 5703 days caused in filing appeal.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Considering the ratio laid down in the case of **Imrat Lal and others Vs. Land Acquisition Collector, published in 2014 (9) SCALE 446**, has observed in para 13 that, *'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 the fact that large number of other similarly situated persons who are affected by the determination of compensation by the Land Acquisition Officer or the reference court have been granted relief.’, the application deserves to be allowed in the interest of justice.*

5. The application is allowed.

6. The delay of 5703 days caused in filing the appeal is condoned.

7. However, it is clarified that in view of the judgment of the Supreme Court in the case of **New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (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, the applicant will not be entitled statutory benefits including interest for the said period.

8. The application is disposed of.

**FIRST APPEAL ST. No.23539 OF 2023.**

1. Issue notice to the respondents.

2. Ms. D.I. Charlewar, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.

3. **Admit.**

4. Stand over to 20.9.2024 at 2.30 for final hearing.

**(SANJAY A. DESHMUKH, J.)**

Wadode