



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

CIVIL APPLICATION (CAF) NO. 1776 OF 2024
IN
FIRST APPEAL ST. NO. 12049 OF 2024

YUVRAJ S/O BILCHAND CHAVAN
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 Nikhil Waghmare, Advocate with Shri Vinay Rathi, Advocate for
applicant/appellant.
Ms.Mukta Kavimandan, AGP for respondent Nos.1 and 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 01/10/2024.

1. This is an application for condonation of delay of 6148 days caused for filing appeal.
2. Perused the application.
3. Heard learned Advocates for both sides.
4. Learned AGP for respondent Nos.1 and 3 has strongly objected the application, considering huge delay of 6148 days.
5. Learned advocate for the applicant pointed out that contention raised by the applicant in the application that he is poor and he has no knowledge of legal rights and legal technicalities. The delay is not deliberately caused. Therefore, he prayed to allow the application.
6. Considering the reasons, delay has not been deliberately caused. The applicant is poor farmer and has

no knowledge of law. Therefore, in view of law laid down by the Hon'ble Supreme Court in the case 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”.

In this case, liberal approach is adopted by the Court while allowing such application.

7. Considering the fact situation of the case and in this case also, delay is not deliberately caused. Therefore, the delay of 6148 days deserves to be condoned, in the interest of justice.

8. The application is therefore, allowed. Delay of 6148 days is condoned.

9. It is clarified that in case, if this appeal is allowed and compensation amount is enhanced, in view of Judgment of Hon'ble Supreme Court in the case of **New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)**, the applicant shall

not be entitled for the statutory period like, interest, etc.
for the delayed period of 6148 days.

10. The application is disposed of.

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11. Issue notice to the respondents.

12. Ms.Mukta Kavimandan, learned AGP waives
service of notice for respondent Nos.1 and 3.

13. Call for Record and Proceedings.

14. Stand over after three weeks.

[SANJAY A. DESHMUKH, J.]

Choulwar