



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

CIVIL APPLICATION (CAF) NO.2858 OF 2024 IN
FIRST APPEAL ST. NO.19319 OF 2024

Prakash Udheban Borchate .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 J.A. Malnas, Adv. h/f Shri I.M. Ghongade, Adv. for appellant.
Ms M.R. Kavimandan, A.G.P. for respondents/State.
Shri T.M. Zaheer, Advocate for respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 17/10/2024

1. This is an application for condonation of delay of 2225 days caused for filing appeal.
2. Heard learned advocates for both sides.
3. Perused the application.
4. The learned advocate for the appellants pointed out that the appellants are not having knowledge of law they are poor farmers. Delay is not deliberately caused.
5. The learned advocate for the appellants is relying upon the authority 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.”

6. The learned advocate for the respondents strongly objected the application.

7. Considering facts and circumstances of the case, delay is not deliberately caused, the application deserves to be allowed in the interest of justice. The application is **allowed**. Delay of 2225 days caused for filing appeal is condoned.

8. 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*, (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.

9. The application is **disposed**.

FIRST APPEAL ST. NO.19319 OF 2024

1. Issue notice to the respondents.
2. Shri Kadu, learned A.G.P. waives service of notice for the respondents/State.
3. Shri Zaheer, learned advocate waives service of notice for the respondent No.3.
4. Stand over to **23.11.2024**.

(SANJAY A. DESHMUKH, J.)