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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3553 OF 2013.

IN

FIRST APPEAL STAMP NO. 4339 OF 2013.

Shri. Aadumbar Shivaji Patil And Ors.

...Applicants.

Versus

State Of Maharashtra And Anr.

...Respondents.

Mr. Yuvraj Tajane i/by Ashok B. Tajane for the Applicants.
None for the Respondent.

Coram : Sharmila U. Deshmukh, J.
Date : January 27, 2025.

P. C. :

1. Civil Application has been preferred by the Applicant for condonation of delay of 7 years and 227 days caused in preferring the First Appeal.
2. Learned Counsel appearing for the Applicant submits that the proceeding arise out of land acquisition proceedings and the Award was passed on 28th September, 1998 awarding meagre compensation of Rs. 46,000/- , against which land acquisition reference was filed before the Reference Court. He would further submit that the Applicant Nos. 1 to 4 were minors and the Applicant No. 5 was mother was an illiterate person and not aware of the legal proceedings. He would submit that the Applicant Nos. 6 and 7 were married and residing in matrimonial house and were unaware of the

proceedings. He submits that as all decisions were taken by the Applicant No. 5 who was the mother, the Applicant Nos. 1 to 4 and 6 and 7 were unaware about the proceedings. He would further submit that as the work was entrusted to an Advocate, the Applicant No. 5 was under impression that the Advocate was attending the matter and would keep her informed. He submits that there was no information given by the Advocate and in the month of November-2012 the Applicants during cleaning of the house found certain papers regarding the land acquisition matters and thereafter inquiries were made by the Applicants and they came to know about the Award passed by the Reference Court in 2012. He submits that subsequently prompt steps were taken and the First Appeal came to be filed in December-2012. He, on instructions, further submit that in event he succeeds in the Appeal they would not claim any interest for the said period of 7 years and 227 days of delay caused in preferring the Appeal.

3. None appears on behalf of the State Government and there is no reply filed.

4. Perusal of the impugned judgment and award would substantiate the contentions of the learned Counsel for the Applicant that the Applicant No. 5 is the mother of Applicant Nos. 1 and 4 who were minors at the relevant time. The Applicant Nos. 6 and 7 are shown to be residing at different place from that of the Applicant No. 5 which

establishes that the Applicant Nos. 6 and 7 were married when the Reference was filed. It cannot be denied that the Applicants are agriculturists and the Applicant No. 5 who is mother would not be having legal knowledge about the procedure and would necessarily depend on her Advocate to keep her informed about the proceedings.

5. The Applicants have stated that they become aware of the passing of the impugned Judgment and Award in the year 2012 and there is no response by the State in order to dispute the said submission. As it is contended that they will not be claiming any interest for the said period of 7 years and 227 days, the delay can be condoned as the same would not impose financial burden on the State for default on part of the Applicant, although the delay is not by reason of any negligence on part of the Applicant but by reason of the fact that their Advocate had not kept them informed about the proceedings and thus they could not take steps in timely manner.

6. In light of the above, the Interim Application is allowed. The delay of 7 years and 227 days stands condoned with the Caveat that no interest shall be paid for this period of delay of 7 years and 227 days in event the Appellants succeed in the Appeal.

7. Civil Application is allowed.

[Sharmila U. Deshmukh, J.]