

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3020 OF 2019
IN
FIRST APPEAL st. NO. 28137 OF 2018

Somaning Dhanappa Duggani
Since deceased Thr. LRs. and Others. ...Appellants.

Versus

The Special Land Acquisition Officer
and Others. ...Respondents.

Mr. Tejpal Ingale for the Appellant.
Mr. A. R. Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : January 20, 2025.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 6 years and 80 days caused in filing the present First Appeal. Learned Counsel appearing for the Appellant submits that during the hearing of Reference, their Advocate did not remain present and therefore the Court dismissed the land reference Application on the ground that no evidence is on record to show that inadequate compensation has been awarded. He submits that the Appellants were not aware of the decision and they came to know by reason of similar land reference award being passed in which there was enhancement. He submits that initially the Appellants were informed that they can

file Application under Section 28(A) of the Land Acquisition Act claiming enhancement and in the year 2018 the Appellant were informed that as reference is already filed they cannot file Application under Section 28(A) based on award. He submits that the Appellants are agriculturists and unaware of the legal procedure and therefore the present Appeal has been filed after a delay of 6 years and 80 days.

2. Mr. Patil, learned AGP submits that condoning the delay would result in the Government / Acquiring Body being made liable to pay interest for the period of 6 years and 80 days though it is the default on the part of Appellants in approaching this Court.

3. Considering that Appeal arises out of the land reference which has been dismissed on account of proper evidence not being led by the party and considering the status of Appellants, delay of 6 years and 80 days can be condoned for the reasons stated in the Application. The issue as regards the interest is liable to be paid for the period of delay of 6 years and 80 days will be considered at the time of hearing of First Appeal.

4. For the reasons stated, delay is condoned. Civil Application stands disposed of.

5. List the First Appeal on **31st January 2025**.

[Sharmila U. Deshmukh, J.]