

LAR No. 24/2019
Sk. Shabana Vs. Rekha & Ors.

ORDER BELOW EXH.22
(Passed on this 8th of May 2025)

Read the application, say and record. Heard. Record shows that Deputy Collector, Land Acquisition, Nagpur made the reference on 27-06-2019 under Section 3 H(4) of National High Way Act. Smt. Sk. Shabana is the applicant. There are five respondents. Question to be decided by this court in this reference is as to who is entitled to get the compensation. In short reference is like the reference under Section 30 of Land Acquisition Act. Respondent No. 1 appeared but did not file her say/reply. Therefore, no reply order was passed on 03-03-2021. Respondent Nos. 2 to 5 have filed their respective reply. Accordingly, issues were framed vide Exh. 18 on 24-03-2021. Applicant Sk. Shabana filed her evidence affidavit vide Exh. 19 on 15-09-2021. She was cross-examined on behalf of respondent Nos. 2 to 5 on 20-10-2022. She closed her evidence on the same date by filing pursis Exh. 20. Matter was adjourned for evidence of respondents. At such stage, respondent No. 1 has filed the present application on 13-04-2023 seeking permission to file her reply/written statement. It is submitted that she is the owner of land I.e acquired property. If her written statement/reply is not taken on record, that will affect her interest. No reason is mentioned as to why she had not filed her reply/written statement after her initial appearance in the matter. When this fact has been brought to the notice of Ld. Advocate for respondent No. 1, affidavit of respondent No. 1 vide Exh. 24 is filed wherein it is mentioned that contents of application Exh. 22 are true and correct. Thus, again no reason is mentioned as to why W.S./reply was not filed earlier. When this fact has been brought to the notice of concern one additional affidavit of respondent No. 1 is filed at Exh. 29. In such affidavit, it is mentioned that in the year 2020-21, there was lock-down due to corona. As such, respondent No. 1 could not contact her counsel. Thereafter, due to chronic illness, she could not contact her counsel. These two reasons are mentioned for her inability to file the reply/W.S. No document is placed on record to support her contention of chronic illness. Application is opposed on behalf of applicant Smt. Sk. Shabana. It is

submitted that despite service of the notice in the year 2020, respondent No. 1 purposefully avoided to file her reply and when the matter has reached the stage of evidence of respondent, present application is filed with intention to prolong the matter. No reply order is of the year 2021. Therefore, this application is not maintainable. It is true that there is huge delay on the part of respondent No. 1 to come with her reply. However, considering the nature of the matter and the point involved in it, I think that if her reply is taken on record, that will facilitate the just and effective disposal of this matter. Delay can be condoned by imposing appropriate cost. Therefore, for the above reasons, I pass following order.

ORDER

Application is allowed subject to costs of Rs. 1000/- (Rs. One Thousand only) to be paid to applicant Smt. Sk. Shabana.

Umred.
Dated: 08/05/2025.

[S. G. Landge]
Civil Judge Sr. Dn., Umred,
Dist. Nagpur.

Certificate

I affirm that the contents of this P.D.F. file are word to word same as per original.

Name of Stenographer : Mrs. D.T. Vighne
Stenographer (Grade II)