

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: **Civil Revision Petition No.2537 of 2025**

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
7.	21.01.2026	<u>RY,J</u> <u>I.A.No.1 of 2025</u> 1. Learned Government Pleader for Arbitration for the petitioner and learned counsel for the respondent are present. 2. This application is filed by the Land Acquisition Officer, Special Deputy Collector, L.A. (General), Hyderabad, under Section 5 of the Limitation Act, 1963, to condone delay of 356 days in filing the Civil Revision Petition against order passed in E.P.No.1 of 2020 dated 10.04.2024 on the file of the I Senior Civil Judge, City Civil Court, Hyderabad ('Executing Court'). 3. It is the case of the petitioner that the impugned order was passed on 10.04.2024, however, learned counsel appearing for her before the Executing Court failed to inform about the order. In the first week of June, 2025, the petitioner came to know about the order and she immediately applied for certified copy and the same was delivered on 19.06.2025. Therefore, there was delay of 356 days in filing the Civil Revision Petition. In addition to non-communication between the petitioner her counsel	Transferred to Daily order/I/O folder before correction.

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		on record before the Executing Court, it is also submitted that there was misplacement of record with other bundles and sometime was spent for obtaining requisite approvals within the department. On account of aforementioned reasons, there was delay in filing the Civil Revision Petition. 4. The respondent opposed the present application by way of filing counter and denying the grounds cited for the delay. According to the respondent, the delay is deliberate and intentional, as the petitioner has not acted in <i>bonafide</i> manner in disbursing the rightful compensation for the property which was acquired way back in the year 1989. 5. Learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in Collector, Land Acquisition, Anantnag v. Katiji¹, wherein it is held that the expression 'sufficient cause' employed by the legislature is adequately elastic to enable the Courts to apply the law in a meaningful manner which sub-serves the ends of justice. Further, it is held that when the State is an applicant praying for condonation of delay step-motherly treatment cannot be accorded. It is also held that on account of an impersonal machinery of the State when the	

¹ MANU/SC/0460/1987

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		matter is directly hit or hurt by the judgment sought to be subject matter to appeal, this may adversely affect the collective cause of the community. 6. Further, reference is made to the judgment of Hon'ble Supreme Court of India in State of Jammu and Kashmir v. Ashok Kumar Gupta², wherein it is held that judicial notice of the fact should be taken that when the State is a litigant no one takes responsibility for delay and in the process of legal consultations between departments or at different levels of same department the limitation to file the appeal gets barred. By applying pragmatic approach explanations for the delay needs to be considered. 7. In response, learned counsel for the respondent relied upon the judgment of the Hon'ble Supreme Court of India in The State of Madhya Pradesh v. Bherulal³, wherein it is held that State cannot take advantage of earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of modern technologies being used and available. 8. Further, reliance is placed in the case of	

² MANU/SC/0743/1996

³ MANU/SC/0781/2020

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		Union Territory of Jammu and Kashmir v. Kuldeep Raj⁴, wherein it is held that departments cannot claim that they have a separate period of limitation when the department was possessed with competent persons familiar with Court proceedings. It is held that if inordinate delay is condoned unmindful of the lackadaisical manner in which the litigants approach the Court it would also be contrary to public interest. 9. In the instant case, the learned counsel for the petitioner submitted that the delay is sufficiently explained i.e., firstly on account of non-communication between the learned counsel on record and the petitioner. In addition, there was misplacement of the record among other bundles and thereafter, there was delay on account of consultations in getting requisite permissions. 10. To contrary, learned counsel for the respondent submitted that the reasons cited are frivolous and that there is no connection between the three grounds cited for delay. Further, learned counsel for the respondent emphasized that the property was acquired in the year 1989 and thus far, compensation has not been disbursed. 11. As per record, according to the learned counsel for the petitioner, the entire compensation	

⁴ MANU/JK/0882/2023

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		has already been paid and what remains to be adjudicated is additional market value of 12% only. In that context too, it is submitted that there is no reasoning given for the amount arrived by the Executing Court and that according to the petitioner, the entire compensation has already been paid. 12. Having regard to the rival contentions, it is seen that major part of the delay was on account of non-communication between the learned counsel on record and the petitioner herself. It is held in catena of decisions that mistake on the part of the counsel may not be cause for denying relief to the litigant i.e., fault of the counsel may not be reason for causing loss to the party. 13. In the instant case, the State is party representing the interest of general public. While having concern about the disbursement of compensation with a delay of three decades, this Court has taken note of the fact that a part of compensation has already been paid and what is in dispute is the additional market value component for which there is a dispute about calculation. In order to protect the interest of both the parties, this Court considers that condoning delay would give fair opportunity to both the parties to present their respective case.	

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		14. In view of the foregoing discussion, this application is allowed by condoning delay of 356 days in filing the Civil Revision Petition. <u>I.A.No.2 of 2025</u> 1. This application is filed seeking stay of all further proceedings in E.P.No.1 of 2020 in O.P.No.530 of 1991 on the file of the learned I Senior Civil Judge, City Civil Court, Hyderabad. 2. Learned counsel for the petitioner produced a copy of proclamation of sale of movable property in E.P.No.1 of 2020, dated 15.12.2025, which shows that public auction is scheduled to be held on 22.01.2026. 3. In view of the contingency expressed by the petitioner, on account of public auction being scheduled on 22.01.2026 at noon, there shall be stay of all further proceedings in E.P.No.1 of 2020 on the file of the learned I Senior Civil Judge, City Civil Court, Hyderabad, till the next date of hearing. 4. For filing counter, list on 04.02.2026. <u>C.R.P.No.2537 of 2025</u> List on 04.02.2026. _____ RY,J GVR	

