

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4708-4709/2005

(From the judgement and order dated 23/08/2004 in CMP No. 7055/2004 & SR

No.85355/2003 of The HIGH COURT OF A.P AT HYDERABAD)

G. YELLAIAH & ORS.

Petitioner(s)

VERSUS

SPL. DY.COLLECTOR (LAO),SLBC, NALGONDA

Respondent(s)

(With office report )

WITH SLP(C) NO. 6200 of 2006

(With appln(s) for permission to place additional documents on record and office

report)

Date: 09/04/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. P.Venkat Reddy, Adv. for

in SC 4708-09/05 Mr. Anil Kumar Tandale,Adv.

in SC 6200/06

Mr. V.R.Reddy, Sr. Adv.

Mr. P.Venkat Reddy, Adv.for

Mr. C.S.N. Mohan Rao, Adv.

For Respondent(s)

Mr. Rajnish Kr. Singh, Adv. for

Mr.T.V.George,Adv.

Mr. J.Prabhakar, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Vikash Singh, Adv.

Mr. Abhijeet Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) No.4708-4709/2005

The High Court has dismissed the application filed by the petitioners under Section 5 of the Limitation Act, 1963 to condone the delay of 2526 days.

Notice was issued by this court on 21.02.2005 noticing the argument of the petitioners that the High Court in CMP No. 1043 of 2004 had condoned the delay of 2526 days in filing the appeal relating to the same acquisition. The order dated 21.02.2005 passed by this Court reads:

"Counsel for the petitioners contends that the High Court in CMP No. 1043 of 2004 has condoned the delay of 2526 days in filing the appeal relating to the same acquisition but refused to condone the same amount of delay in the present case. He further

contends that in view of the earlier order passed by the High Court, the Bench ought to have condoned the delay in the present case as well.

Delay condoned. Issue notice."

The High Court had passed the following order in CMP No. 1043

of 2004:

"We are inclined to condone the delay in presenting the appeal. Condoned. However, the claimants will not be entitled to interest on the enhanced amount of compensation from the date of award till the date of filing of this appeal."

Counsel for the respondent does not dispute the fact that in CMP

No. 1043 of 2004, the High Court had condoned the similar delay of 2526

days in filing the appeal relating to the same acquisition.

Since the High Court had condoned the delay in CMP No. 1043 of

2004 of the same duration relating to the same acquisition, we deem it

appropriate to condone the delay in this case as well with the condition

that the claimants shall not be entitled to claim interest on the enhanced

amount of compensation from the date of award till the date of filing of

appeal before the High Court. Ordered accordingly. The High Court shall

now decide the appeal on merits in accordance with law.

The Special Leave Petition is disposed of accordingly.

SLP(C) No. 6200 of 2006

Adjourned by two weeks.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master