

ITEM NO.30

COURT NO.2

SECTION IVA

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)...../2013  
CC 13535/2013

(From the judgement and order dated 04/12/2012 in MFA No.24063/2011, of  
The HIGH COURT OF KARNATAKA CIRCUIT BENCH AT DHARWAD)

TAYAWWA Petitioner(s)

VERSUS

SPL. LAND ACQUISITION OFFICER Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP and office  
report)

Date: 05/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Anil V. Katarki, Adv.  
Mr. Anil C. Nishant, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated 04.12.2012 passed by the Division Bench of the Karnataka High Court, Circuit Bench at Dharwad whereby the application filed by the petitioner for condonation of 2252 days delay in filing an appeal under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') was dismissed along with the main appeal.

At the hearing, learned counsel for the petitioner invited our attention to order dated 16.10.2012 passed by another Division Bench of the High Court, Circuit Bench at Dharwad whereby delay of 3395 days in filing an appeal under Section 54 of the Act was condoned on the premise that the appellants in that case had given an undertaking not to claim interest for the period of delay.

After going through the certified copy of order dated 16.10.2012, we enquired from the learned counsel whether the same was placed before the Bench which dismissed the appeal filed by the petitioners. In reply, the learned counsel stated that order dated 16.10.2012 passed by the Division Bench of the High Court, Circuit Bench at Dharwad was not brought to the notice of the Division Bench which decided the petitioner's appeal.

In view of the above, we feel that ends of justice will be served by giving liberty to the petitioner to file an application for review of the impugned order by citing order dated 16.10.2012 passed by the Division Bench of the High Court, Circuit Bench at Dharwad. Ordered accordingly.

It is needless to say that if the Division Bench of the High Court declines the petitioner's prayer for review of the impugned order and condone the delay subject to the condition of their giving an undertaking not to claim interest for the period of delay, then

they shall be free to again seek intervention of this Court.

| (Parveen Kr.Chawla)  
| Court Master  
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| | (Phoolan Wati Arora)  
| | Court Master  
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