

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Civil Application [CAF] No.3505 of 2014**

**in**

**First Appeal Stamp No.17096 of 2014**

*(Sau. Rekha Marhari Bind*

*vs.*

*State of Maharashtra, through Collector, Amravati and others)*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

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*Court's or Judge's Orders*

*Shri D.H. Wankhade, Advocate for the Applicant/Appellant.  
Shri D.M. Kale, A.G.P. for Respondent Nos.1 & 2.  
Shri R.G. Agrawal, Advocate for Respondent No.3.*

**CORAM : R.K. DESHPANDE, J.**

**DATE : NOVEMBER 27, 2015.**

Heard the learned Counsel appearing for the parties.

There is a delay of 756 days caused in filing the first appeal seeking enhancement of compensation awarded by the reference court under Section 18 of the Land Acquisition Act by its judgment and order dated 13/04/2012 delivered in Land Acquisition Case No.162/2006. The amount of compensation was deposited in the Court on 13/02/2014. On 16/07/2014, the applicant has withdrawn the amount and thereafter only it is claimed that the appellant would pay the court fee of Rs.8,430/- required for filing an appeal.

The application is opposed by respondent No.3 - Union of India, the acquiring body and it is admitted that the Union of India has filed an appeal challenging the enhancement

granted by the reference court. It is urged that there is no sufficient cause made out for condonation of delay and, hence, the application is required to be dismissed.

After going through the submissions made in the application and the reply filed by respondent No.3, taking liberal view of the matter, I am satisfied that sufficient cause is made out for condonation of delay, more particularly when the appeal filed by respondent No.3 against the same judgment and order is pending before this Court.

The application is allowed. The costs of Rs.1,000/- to be paid to respondent No.3 within a period of one month from today.

The civil application stands disposed of.

**First Appeal Stamp No.17096/2014 :-**

Heard the learned Counsel appearing for the parties.

**ADMIT.**

Shri D.M. Kale, the learned A.G.P. for respondent Nos.1 and 2 and Shri R.G. Agrawal, learned Advocate for respondent No.3.

Call for record and proceedings.

Put up the matter along with First Appeal No. 1273/2013.

**JUDGE**