

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

Civil Application (CAF) No.285 of 2015

In

First Appeal Stamp No.21220 of 2014

(Dattaram Ramji Kate v. State of Maharashtra, through Collector, Wahsim,
and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri V.N. Patre, Advocate for Applicant/Appellant.
Shri M.A. Kadu, AGP for Respondent Nos.1 and 2.
Shri S.S. Godbole, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 9th March, 2016

Civil Application (CAF) No.285 of 2015 :

In identical matters, viz. Civil Application (F) No.58 of 2015 in First Appeal Stamp No.21203 of 2014 along with connected matters, this Court has passed an order condoning the delay of more than 2000 days caused in filing appeals. The said order is reproduced below :

“C.As for condonation of delay.

In all these matters, there is a delay of more than 2000 days caused in filing an appeal and hence, separate applications for condonation of delay have been filed. The explanation furnished for seeking condonation of delay is

common in all the matters.

The Reference Court had passed an award on 26.02.2008 granting enhancement of compensation. However, the statutory interest and other entitlement were not granted in accordance with the provisions of Sections 23 and 28 of the land Acquisition Act. Hence, separate applications were moved for modification of the judgment delivered by the Reference Court. All these applications were allowed on 29.04.2010. Thereafter on 07.07.2014, the claimants received an amount of enhanced compensation and thereafter on 26.09.2014 the appeals have been filed along with application for condonation of delay.

In similar matter of Pandurang Ganpat Kharde vrs. The State of Maharashtra through Collector and another, this Court had passed an order on 05.01.2016, regarding satisfaction about such explanation furnished by the claimant. This Court condoned the delay of 3270 days caused in filing the first appeal.

The explanation furnished in all these civil applications being the same, no different view can be taken and the delay caused needs to be condoned.

Hence, all the applications for condonation of delay are allowed. The delay caused is condoned.

Needless to say that the claimants shall not be

entitled to claim an amount of interest, if the enhancement is granted, for the period from 29.04.2010 till the date of filing of the application for condonation of delay on 26.09.2014.

All civil applications stand disposed of.

First Appeals

Heard the learned counsels for the parties on merits of the matter.

Admit.

Learned AGP waives service for Respondent State.

Shri Jagtap, learned counsel waives service for Ex.Engr. Minor Irrigation Dvn.

Call for R & P.”

In the present matter, the delay is of 2318 days caused in filing an appeal. Hence, the delay caused is condoned on the terms mentioned in the order, reproduced above.

The civil application is disposed of.

First Appeal Stamp No.21220 of 2014 :

Heard the learned counsels appearing for the parties on the merits of the matter.

Admit.

Shri M.A. Kadu, the learned AGP for the respondent

Nos.1 and 2, and Shri S.S. Godbole, the learned counsel for the respondent No.3, waive service of notice.

Call for R & P.

Judge.

Lanjewar