

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No. 2331 of 2016
IN
First Appeal St. No. 5984 of 2016
[Onkar Ramji Tayde Vs. State of Mah.]

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

Court's or Judge's orders

Mr. Rugved Dhore, Adv., for the applicant.
 Mrs. Kulkarni, AGP for respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 24th February, 2017

Prayer is to condone delay in filing the First Appeal. In the application, it has been stated that in acquisition proceedings with regard to lands from the same village, the matters had reached this Court in various First Appeals. By judgment dated 24th March, 2008, this Court had remanded those proceedings on the ground that the Acquiring Body was not a party to the proceedings. In the application, it is stated that the applicant was not aware of these facts and on getting information from other villagers, he took steps to file the present appeal. It is, therefore, prayed that the delay be condoned.

The application is opposed by Mrs. Kulkarni, learned Asstt. Govt. Pleader, by submitting that the amount of compensation has already been deposited by

the State and same has been received by the claimant. It is submitted that if the delay is condoned, the aspect of interest on the amount of enhanced compensation should be taken into consideration.

Having heard the learned counsel, it can be seen that various proceedings with regard to acquisition of adjacent lands were remanded for fresh consideration by this Court in First Appeal No. 729 of 2007 with connected appeals. The Acquiring Body - Vidarbha Irrigation Development Corporation was directed to be added in those proceedings. Hence, accepting the reasons mentioned in the application, the delay stands condoned. The entitlement of interest on the amount of compensation, if enhanced, is kept open for being decided by the Reference Court in accordance with law. Delay stands condoned on aforesaid premise.

Judge