

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

CIVIL APPLICATION (CAF) NO.1766 OF 2016
IN
FIRST APPEAL ST. NO.7628 OF 2016

Dharma s/o Kisan Gadade

-vs-

The State of Maharashtra, Thr. Collector, Yavtmal and ors.

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

Court's or Judge's Orders.

Shri K. S. Narwade, Advocate for applicant.
Shri M. A. Kadu, AGP for non-applicant Nos.1 and 2.

CORAM : A.S.CHANDURKAR, J.
DATE : February 14, 2017

Prayer in the application is to condone delay in filing the first appeal. In the application it is stated that by common judgment dated 28/02/2006 two land acquisition cases came to be decided. In LAC No.121/2004, the claimants therein have filed F.A.No.1368/2013 seeking enhancement in the amount of compensation and said appeal is pending. It is further stated in paragraph 3 of the application that if the delay is condoned and the compensation is enhanced, the applicant would not claim interest on the enhanced amount of compensation.

The application is opposed by Shri M. A. Kadu, learned Assistant Government Pleader for the non-applicant Nos.1 and 2. It is however not disputed that

the common judgment is under challenge in F.A.No.1368/2013.

Considering reasons mentioned in the application, the delay in filing first appeal stands condoned subject to applicant not being entitled to interest on the amount of compensation if enhanced for the period from 28/02/2006 till 01/04/2016.

Delay stands condoned on aforesaid terms. Civil application is disposed of.

F.A.St. No.7628 of 2016

Heard.

Admit.

Call for record and proceedings.

Shri M. A. Kadu, learned Assistant Government Pleader waives notice on behalf of respondent Nos.1 and 2.

In view of order passed on C.A.No.1766/2016, the claimant would not be entitled for the interest on the amount of compensation if enhanced for the period from 28/02/2006 till 01/04/2016.

To be heard along with **F.A. No.1368/2013**.

JUDGE