

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

CIVIL APPLICATION NO. 3985 OF 2017
IN FIRST APPEAL ST. NO.10752 OF 2017

(Nathu Kashinath Alone (dead), through his legal heir vs. The State of Maharashtra and others)

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

Shri R.J. Shinde, Advocate for applicant.
Shri A.M. Kadukar, Assistant Government Pleader for
respondents.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 5, 2017

Heard learned Counsel for the parties.

This application is filed by applicant/
appellant for condonation of 9558 days' delay caused in
preferring first appeal.

Shri Shinde, learned Counsel for applicant,
has submitted that applicant is ready to give up his right
of interest on the enhanced amount of compensation
from the date of award till the date on which application
for condonation of delay is allowed and, therefore,
application be allowed.

As against this, Shri Kadukar, learned
Assistant Government Pleader for respondents, has
opposed application for condonation of delay contending
that as delay is of 9558 days, same needs to be explained
satisfactorily and since applicant has not explained the
delay satisfactorily, application be rejected.

In view of submissions as aforesaid and law

laid down by the Hon'ble Apex Court in Imrat Lal vs. Land Acquisition Officer (2013 DGLS (SC) 1065) and as applicant/appellant is ready to give up his right of interest upon enhanced amount of compensation from the date of award till this application for condonation of delay is allowed, application deserves to be allowed subject to condition that applicant shall not be entitled to interest from the date of award passed by learned Reference Court till today.

The application stands disposed of in the above terms.

FIRST APPEAL ST. NO.10752 OF 2017

Issue notice to respondents.

Shri Kadukar, learned Assistant Government Pleader waives notice for respondents.

Shri Shinde, learned Counsel for appellant, has submitted that present appeal is covered by order dated 26/7/2017 passed in First Appeal No.870/2017 and also placed on record copy of said order.

Shri Kadukar, learned Assistant Government Pleader for respondents, seeks time to verify.

In the circumstances, list the appeal for final disposal at the stage of admission on 31/10/2017.

JUDGE

khj