

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

CIVIL APPLICATION (CAF) NO.2694 OF 2016
IN
FIRST APPEAL (ST) NO.14734 OF 2016

Prabhawati wd/o Shakarrao Kawalkar (Dead) Thr. L.Rs Dr Vivek S. Kawalkar and ors.

-vs-

The Executive Engineer, Bembla Project Division, Yavatmal, Dist. Yavatmal 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 A. B. Nakshane, Advocate for applicant/appellant.
Shri S. S. Godbole, Advocate for respondent No.1.
Shri M. A. Kadu, AGP for respondent nos.2 and 3.

CORAM : DR S.S.PHANSALKAR-JOSHI, J.
DATE : JUNE 16, 2017

Heard learned counsel for the parties.

The delay in this case is of 2246 days in preferring the first appeal. It is pointed out that while condoning delay of substantial period this Court vide order dated 09/08/2016 and 17/01/2017 recorded the statement made on behalf of the appellant that if it is found that the appellant is entitled for enhanced amount of compensation, the appellant may not claim interest on it for the period from the date of award till filing of the appeal. In the instant case also learned counsel for the appellant is making similar statement. Statement accepted. Hence for the reasons given in paragraph No.2 of the application and the statement made by learned counsel on behalf of the appellant, civil application is allowed subject to the appellant not being entitled for interest on the amount of compensation if

enhanced for the period from 25/02/2010 till 19/07/2016.

F.A.St. No.14734 of 2016

Heard.

Admit. Call for record and proceedings.

Shri S. S. Godbole, learned counsel waives notice on behalf of respondent No.1. Learned Assistant Government Pleader waives notice on behalf of respondent Nos.2 and 3.

Appellant to file paper-book within six months after receipt of the record and proceedings.

In view of order passed on C.A.F.No.2694 of 2016, the claimant would not be entitled for interest on the amount of compensation if enhanced for the period from 25/02/2010 till 19/07/2016.

At this stage learned counsel for the parties submit that the matter be kept before Lok-Adalat. Hence by consent, office is directed to place the matter before Lok-Adalat on **08/07/2016.**

JUDGE