

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

CIVIL APPLICATION (O) NO. 1029 OF 2017
IN
FIRST APPEAL STAMP NO. 10083 OF 2016

(Baburao Vinayakrao Lokhande and others..vs..State of Maharashtra,through
Collector Yavatmal)

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

Court's or Judge's orders.

Shri V.N.Patre, Advocate for applicants.
Shri M.A.Kadu, A.G.P. for State.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.
DATE: 2nd August, 2017.

This is an application filed by the applicants for condonation of delay and the application for restoration of first appeal.

It is submitted that as compensation amount was not deposited, the applicants-claimants could not pay the Court fees. They could arrange to pay the same only in March-2017. Thereafter, clerk of the advocate of the applicants was suffering from jaundice and his new clerk was required to be appointed therefore there is delay of 351 days in filing this application.

Considering the length of delay which is more than one year, learned counsel for applicant

submits that applicants will not claim interest for the delayed period on the enhancement of the compensation.

In view thereof, in the light of decision of the Hon'ble Apex Court in the case of *Imratlal..vs..Special Land Acquisition Officer,2013 DGLS 54* the delay is condoned subject to condition that applicants being not entitled to the interest for the delayed period of 351 days on the enhanced amount of compensation.

The application is disposed of.

MISC.CIVIL APPLICATION(STAMP) NO.14842 OF 2017

This is an application for restoration of the appeal which came to be dismissed in default on 19/7/2016.

In view of the reasons given in the application, the application is allowed and the appeal is restored to its original file subject to condition that applicants not being entitled to the interest for the delayed period of 351 days.

The application is disposed of.

JUDGE