

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

CIVIL APPLICATION (CAF) NO.586 OF 2017
IN
FIRST APPEAL ST. NO.20336 OF 2016

Pushpanjali wd/o Suresh Pise and ors.

-vs-

The Executive Engineer, Bembla Project Division, Yavatmal

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 appellant/applicant.
Shri S. G. Jagtap, Advocate for respondent No.1.
Ms M. S. Naik, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : February 28, 2017

Prayer is to condone delay in filing the first appeal. In the application it is stated that after the award was passed by the Reference Court, the amount of enhanced compensation has been received by the applicant in the year 2013. It is stated that the applicant No.1 got knowledge from other villagers that this Court has granted compensation at the rate of Rs.2,10,000/- per hectare for lands acquired from the same village. In support of the prayer for condonation of delay, reliance is placed on the decisions in *Imrat Lal and ors. vs. Land Acquisition Collector and ors. 2014(9) SCALE 446* and *Dhiraj Singh (Dead) Thr. Legal Representatives and ors. vs. State of Haryana and ors. (2014) 14 Supreme Court Cases 127*.

The application is opposed by learned counsel for the non-applicant No.1 on the ground that the delay has not been properly explained. No details are given as to when the

applicant No.1 got knowledge about the adjudication of other persons. It is therefore submitted that the delay is not liable to be condoned.

Perused the application for condonation of delay as well as the observations of the Honourable Supreme Court in paragraph 13 of its judgment in *Imrat Lal and ors.* (supra) as well as observations in paragraphs 15 to 18 of its judgment in *Dhiraj Singh* (supra). Considering aforesaid position of law, the delay can be condoned subject to the applicants not being entitled for interest on the amount of compensation if enhanced for the period from 31/07/2009 till today.

Hence delay in filing the first appeal stands condoned subject to the appellant not being entitled for interest on the amount of compensation if enhanced from 31/07/2009 till today.

Civil Application is disposed of.

JUDGE