

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

CIVIL APPLICATION (F) NO.2831 OF 2016
IN
FIRST APPEAL STAMP NO.24618 OF 2015

(Sk. Yasin Sk. Raj (dead) thr. LR's Sk. Jalaj s/o Sk. Yasin and others Vs. The State of
Maharashtra thr. Collector, Yavatmal and others)

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

Court's or Judge's orders.

Shri V.K. Paliwal, Advocate for Appellants.
Shri A.R. Chutke, AGP for Respondent Nos.1 & 3.
Shri S.S. Godbole, Advocate for Respondent No.2.

CORAM: DR. (SMT.) SHALINI PHANSALKAR-JOSHI, J.
DATE: 30th JUNE, 2017.

This is an application filed by the claimants seeking condonation of delay of 3459 days in preferring this appeal against the judgment and order dated 29.03.2006 passed by the Civil Judge, Senior Division, Pusad in Land Acquisition Case No.145 of 1999.

Considering the substantial length of the delay of about 11 years in filing the appeal, normally such delay would not have been condoned. However, considering the law laid down by the Apex Court in the case of *Imrat Lal vs. Land Acquisition Officer* reported in 2013 DGLS (SC) 1065, as the applicants are ready to give up their right of interest on the enhanced amount of compensation from the date of

the award of the Reference Court till today, the application for condonation of delay is allowed, subject to condition that appellants are not entitled to get the interest from the date of award of the Reference Court till today.

The application is disposed of.

First Appeal Stamp No.24618/2015:

Appeal is kept for final hearing at the stage of admission itself. Subject to condition of appellant producing certified copies of the depositions recorded in the Reference Court and also give the set of those copies to learned counsel for respondents.

Stand over to 28.07.2017.

JUDGE