

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

CIVIL APPLICATION (CAF) NO. 2828 OF 2016
IN
FIRST APPEAL STAMP NO. 25079 OF 2015

(Sk.Yasin Sk.Raj(dead) through Lrs. Sk.Jalal and others..vs..State of Maharashtra and others)

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

Court's or Judge's orders.

CORAM : S.B.SHUKRE, J.
DATED : JUNE 19, 2017

Heard Shri V.K.Paliwal learned counsel
for the applicants-appellants and Shri S.S.Godbole learned
counsel for respondent no.2.

This application has been opposed
particularly by Shri.S.S.Godbole, learned counsel for
respondent no.2. It is submitted that amount has been
received on 27/8/2013 and no explanation, whatsoever, has
been given for passage of period of two years from that
onwards till filing of this application along with memo of
appeal in December-2015. Shri Godbole, learned counsel for
respondent no.2 is right in his submission. No reason has been
stated about the delay which occurred in filing of this
application after payment of the compensation amount.
However, it appears that the main ground taken in this
application is of acquisition of the knowledge by the claimants
regarding other land holders similarly situated having been
granted higher compensation. So, the appellants now wish to

file an appeal for redressal of their grievance that they have been discriminated. In such a situation the Court would have to take a lenient view and even though the date of acquisition of knowledge is not stated in the application, this Court has to ignore the same for the reason that the equality before law is the principle which the Courts have to uphold in every case and at any cost. For these reasons, I find that this application deserves to be allowed of course without any condition.

In a similar Civil Application (CAF) No.2851/2018, wherein same notification was involved, this Court had condoned the delay of 3068 days subject to the condition that the claimant shall furnish an undertaking to the Court that claimant/appellant would not claim any interest for the delayed period. A similar undertaking would also be taken from the appellants-claimants in the instant case.

In the result, this application stands allowed subject to the condition that the appellants/claimants shall not claim any interest on the compensation amount, if enhanced by this Court from the date of the award of the reference Court till the filing of the appeal.

CIVIL APPLICATION NO.2829/2016

Application is disposed of in terms of the order passed in Civil Application (C.A.F.)No.2828/2016.

JUDGE