

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

CIVIL APPLICATION (CAF) NO.324/2018

IN

FIRST APPEAL ST. NO.3266/2017

Bhimrao Deorao Bhalerao (Daed) thr. L.Rs. Pramila Bhimrao Bhalerao & ors.

...Versus...

The State of Maharashtra, through its 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 R.J. Shinde, Counsel for applicants
Shri S.D. Sirpurkar, AGP for respondent

CORAM : ARUN D. UPADHYE, J.

DATE : 29/10/2018

Heard.

The learned Counsel for the applicants has submitted that in connected matter, i.e., C.A. No.106/2018 in F.A. St. No. 22079/2016, delay is condoned and appeal is admitted.

Shri S.D. Sirpurkar, learned Assistant Government Pleader for the respondent – State has submitted that the delay may be condoned, as already in connected matter, delay is condoned by this Court vide its order dated 7/9/2018, which runs as under :-

“Heard Mr. Shinde, learned counsel for applicants and Mr. Damle, learned counsel for non-applicants.

This is an application for condonation of delay in lodging the appeal filed by the original claimants, seeking further enhancement of compensation. The delay is enormous. Mr. Shinde invited my attention to the order passed by this Court (Coram : Dr. (Smt.) Shalini Phansalkar-Joshi, J.) on 11.07.2017 by which this Court, in connected matter, has condoned the delay of 8886 days.

*Learned counsel for the applicants submits that in view of the decision of the Hon'ble Apex Court in the case of **Imrat Lal Vs. Special Land Acquisition Officer** reported in **2013 DGLS (SC) 1065**, the applicants will not be claiming interest on the enhanced amount of compensation from the decision of the reference Court till the date.*

In view of the said, the application is allowed and disposed of subject to the condition that the applicants will not be entitled to claim interest on the enhanced amount of compensation from the date of the decision of the reference Court till the date.

First Appeal Stamp No.22079/2016

Heard.

ADMIT.

Call for the record and proceedings."

In view of the order passed in C.A. No.106/2018 in F.A. St. No.22079/2016, delay caused in filing the present first appeal could be condoned as the same is arising out of acquisition proceedings of same village. Hence, the delay caused in filing the first appeal is condoned. The civil application is allowed.

FIRST APPEAL ST. NO.3266/2017

Heard.

ADMIT.

Call for record and proceedings.

Learned Assistant Government Pleader Shri S.D. Sirpurkar waives service of notice for the respondent.

JUDGE