

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

CIVIL APPLICATION (CAF) NO. 4759/2017 IN
FIRST APPEAL (STAMP) NO.18331/2017

Babarao Deorao Thakre, through L.R's Smt. Venubai Babarao Thakre and others.

V/s

The 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.

Mr R.J. Shinde, Advocate for the applicants/appellants.
Ms. R.V. Kalia, AGP for the non-applicant/ Respondent Nos. 1 and 2.

CORAM: ARUN D. UPADHYE, J.

DATE: 26-11-2018.

Heard learned counsel for the applicants. He has submitted that in the connected matters i.e. Civil Application No.106/2018 in F.A. St. No.22079/2016, delay is condoned, 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.”

Ms. R.V. Kalia, learned AGP has submitted that the delay is already condoned in the connected matters.

In view of the order passed in C.A. No.106/2018 in First Appeal Stamp No.22079/2016, delay caused in this appeal could be condoned as the same is arising out of acquisition proceeding of same village and delay is therefore, condoned.

The appellants, however are not entitled to claim interest on the enhanced amount of compensation from the date of decision of the reference Court, till the date.

FIRST APPEAL STAMP NO.18331/2017.

Heard.

Admit.

Call R. & P.

Ms. R.V. Kalia, learned AGP waives service of notice for the Respondent Nos. 1 and 2.

JUDGE