

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

**CIVIL APPLICATION (CAF) NO. 3348 OF 2018**

**with**

**CIVIL APPLICATION (CAF) NO. 3349 OF 2018**

**in**

**FIRST APPEAL (ST.) NO. 20403 OF 2017**

*[Nandkumar s/o Deobarao Naik Vs. The State of Maharashtra and ors.]*

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri D. M. Surjuse h/f. Shri S.U. Nemade, Advocate for the  
appellant  
Shri M. A. Kadu, Advocate for respondent no. 2.  
Ms. Shamsi Haider, AGP for respondent nos. 1 and 3.

**CORAM : M. G. GIRATKAR, J.**

**DATE : 24/06/2019**

Heard learned Advocate Shri Surjuse holding for  
learned Advocate Shri S.U. Nemade for the appellant. He  
has submitted that appellant is not in position to pay the  
deficit court fee.

The delay is of 1692 days and the same is caused  
due to financial condition of the appellant.

The land of the appellant is acquired by the  
respondents for the purpose of Irrigation Project, Pusad.  
Reference Court has granted compensation to the  
appellant/claimant only Rs.40,000/- per hectare. The  
amount granted is very less as compared to market value.  
It is held that he is entitled for more amount of  
compensation than granted by the Reference Court.

Looking to the grounds mentioned in the applications, both applications are allowed. The delay is condoned, subject to waiving of interest for delayed period of 1692 days. The appellant is directed to pay deficit court within a period of 4 weeks. Appeal be registered.

**FIRST APPEAL (FA) NO.      OF 2019**

Heard.

**Admit.**

Issue notice to the respondents.

Ms. Haider, learned AGP waives notice on behalf of respondent nos. 1 and 3.

Shri Kadu, learned Advocate waives notice on behalf of respondent no. 2.

Call R & P.

Put up this matter on 22.07.2019.

**JUDGE**

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