

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 1359/2018 IN FIRST APPEAL STAMP NO. 17522/2017

(GOBRA AMARU RATHOD **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri K.S. Narwade, counsel for applicant.
 Mrs. H.N. Prabhu, A.G.P. for NA-1 & 2.
 Shri R.C. Raibhandare, counsel for NA-3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 13, 2019.

Prayer in the civil application is to condone the delay in filing the first appeal.

The reasons for the cause of delay are mentioned in paragraphs 2 and 3 of the civil application. It is also submitted that the other appeals arising out of same acquisition proceedings have been admitted by this Court.

The prayer is opposed by the learned counsel for the non-applicant no.3 on the ground that the reasons mentioned are not sufficient.

Considering the fact that the appeal arises out of compulsory acquisition of land and other connected appeals are admitted, the delay in filing the appeal is condoned subject to the applicant not being entitled to interest on the amount of compensation if enhanced for the period from 31.01.2009 to 08.08.2017.

Civil application is disposed of in aforesaid terms.

F.A. ST. NO. 17522/2017.

Heard. ADMIT.

Learned Assistant Government Pleader Mrs. H.N.Prabhu waives notice of hearing on behalf of respondent nos.1 and 3.

Learned counsel Shri R.C. Raibhandare waives notice of hearing on behalf of respondent no.2.

To be heard alongwith First Appeal No.1155 of 2017.

In view of order passed on C.A.F. No.1359 of 2018, the claimant would not be entitled to claim interest on the amount of compensation if enhanced for the period from 31.01.2009 to 08.08.2017.

JUDGE

APTE