

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

CIVIL APPLICATION (CAF) NO. 4099 OF 2019

in

FIRST APPEAL (ST.) NO. 16152 OF 2019

[Savita Vasant Rao Deshmukh and ors. Vs. The State of Maharashtra and ors.]

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

Court's or Judge's Order

Shri S.V. Deshpande, Advocate for the appellants
Shri H. R. Dhumale, AGP for respondent nos. 1 and 3
Ms. Neeta Gautam h/f. Shri M. V. Bute, Advocate for respondent
no. 2

CORAM : M. G. GIRATKAR, J.

DATE : 04/02/2020

Heard.

Delay is of 1980 days and the same is caused due to
financial difficulties.

Shri Deshpande, learned Advocate for the appellant
has pointed out decision of the Hon'ble Apex Court in the
case of **K. Subbarayudu and others Vs. Special Deputy
Collector (Land Acquisition)** reported in **(2017) 12 SCC
840**. The Hon'ble Apex Court has held that:

*“Agriculturists whose lands were acquired
shall be given an opportunity to be heard on merit.
Merely, on the ground of delay benefit cannot be
denied. Delay can be condoned by declining the
interest on the enhanced compensation”.*

Looking to the submission, the application is **allowed**. Delay is condoned subject to condition that the appellants shall not be entitled for interest of delayed period of 1980 days. Appeal be registered.

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Admit.

Issue notice to the respondents.

Shri Dhumale, learned AGP waives notice for respondent nos. 1 and 3.

Ms. Neeta Gautam holding for Shri M. V. Bute learned Advocate waives notice for respondent no. 2

Call R. & P.

List this appeal after receipt of R. & P.

JUDGE

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