

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

CIVIL APPLICATION (O) NO.1512 OF 2019

IN

MISC. CIVIL APPLICATION (ST) NO.8069 OF 2019

IN

FIRST APPEAL (ST) NO.23332 OF 2018

[Laxman Kisan Doifode **..Versus..** State of Maharashtra and Ors.]

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

Court's or Judge's order

Shri. R. N. Ghuge, Advocate for Applicant
Mrs. M. H. Deshmukh, AGP for the Non-Applicant Nos.1 and 2
Shri. M. A. Kadu, Advocate for Non-Applicant No.3.

CORAM : V. M. DESHPANDE, J.

DATE : 29th NOVEMBER, 2021.

1. The Original Claimant who is Applicant in these two Applications filed Appeal before this Court for enhancement of compensation. When this Appeal was on stamp, there was some office objection, which could not be removed within stipulated time. Therefore, the Registrar (J) of this Court has passed the order on 20.02.2019 dismissing the first Appeal, which was on stamp.

2. The Applicant, then, filed an Application for recalling of the order passed by the Registrar (J). However, the said Application was barred by limitation. Therefore, the Application for condonation of delay i.e. Civil Application No.1512 of 2019 is filed.

3. Notices were issued. Mrs. M. H. Deshmukh, learned AGP appears for the Non-Applicant Nos.1 and 2 and Shri. M. A. Kadu, learned Counsel who is on the penal of the VIDC, is for the Respondent No.3

4. Though the learned Assistant Government Pleader Mrs. M. H. Deshmukh and the learned Counsel Shri. M. A. Kadu for Respondent No.3 have vehemently opposed the Applications, after having gone through the contents of both the Applications, I am of the view that the Applicant/Claimant, whose land is acquired by the State should have an opportunity to point out that he is entitled for enhanced compensation.

5. In that view of the matter, both the Applications are **allowed**. The delay of 22 days in filing Application for restoration is condoned.

6. The order passed by the Registrar (J) dated 20.02.2019 is hereby recalled.

7. The First Appeal which was on stamp stands restored to file.

8. Six weeks time is granted to the learned Counsel Shri. Ghuge to remove the office objections, by way of last chance.

JUDGE

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