

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13011 OF 2019
IN
FIRST APPEAL NO. 1458 of 2014**

**BALAJI BHAGWAN NUKKULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. G.N. Chincholkar, Advocate for the appellant
Mr. A.B. Chate, AGP for Respondent Nos.1 and 2
Mr. S.B. Patil, Advocate for Respondent no.3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 10th JANUARY, 2022

PER COURT:-

1. It is an application to recall the order passed earlier by this Court dated 19.08.2014 and restore the first appeal no. 1458/2014.
2. Heard Mr. Chincholkar, learned counsel for the applicant, Mr. Chate, learned AGP for respondent nos. 1 and 2 and Mr. S.B. Patil, learned counsel for respondent no.3 / acquiring body.
3. In the interest of justice and by looking to the nature of dispute, it is necessary to recall the order passed by this Court dated 19.08.2014. At the same time, the applicant / original claimant shall not be entitled to get statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period in restoring the first appeal.

ORDER

- (i) The application is hereby allowed.
- (ii) The order passed by this Court dated 19.08.2014 dismissing the first appeal is hereby recalled on condition that the applicant / original claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he would not claim the statutory benefits as well as the amount of interest as provided in the Land Acquisition Act, 1894 for the delayed period in restoring the first appeal.
- (iii) First appeal no. 1458 of 2014 be restored to its original position after filing undertaking by the applicant / original claimant.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane