

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

CAF No.24/2021 in First Appeal st No.5954/2020

Gunaji Rathod V The State of Mah. and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Mangesh Patel, Adv. for appellant.
Mr. M.A. Kadu, Adv. for resp. no.2.
Mrs. S.S. Jachak, AGP for resp. nos.1 and 3.

CORAM : AVINASH G GHAROTE, J.

DATE : 01-12-2022

Civil Application (F) No. 24/2021, seeks condonation of delay of 4789 days in filing the appeal challenging the judgment of the Reference Court. An affidavit has been filed at bearing Stamp No. 2/22, by the appellant claiming waiver of interest which is accepted. That apart, learned counsel for the appellant, on instructions, in the light what has been held in **New Okhla Industrial Development Authority Vs Rameshwar @ Ramesh Chandra Sharma (Dead) through Legal Heir and another, 2022 SCC OnLine SC 1599**, states that the claimants/appellant shall not be entitled to any statutory benefits including the interest payable under the Land Acquisition Act on the enhanced compensation if awarded, for the period of delay, accepting his statement, considering which, the delay is condoned. The application is allowed. Office to register the appeal.

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Admit.

Learned AGP waives notice for respondent nos. 1 and 3 on merits.

Mr Kadu, learned Counsel waives notice for respondent no. 2 on merits.

Call for the record and proceedings.

A statement is made that the matter is covered by the judgment of this Court in F.A. No. 355/2018 (Ramrao Dantalwar VS State and others) decided on 10-12-2018, considering which, the learned AGP and Mr. Kadu, learned Counsel for the the acquiring body to verify and make a statement.

The learned Counsel shall also supply the list pertaining to the villages of Amdapur Project so that all the matters can be clubbed and decided together.

List the matter on 7-12-2022.

JUDGE