

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

CIVIL APPLICATION (O) NO.34 OF 2022

IN

CROSS-OBJECTION (ST.) NO.12783 OF 2019

IN

FIRST APPEAL NO.1323 OF 2017

{Siddarth s/O. Shamrao Kale ..V/s.. Executive Engineer (V.I.D.C.) and
Ors.}

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

Court's or Judge's order

Ms I. P. Khisti, Advocate for the Corss-Objector.
Shri A. S. Deshpande, Advocate for the Respondent No.1.
Ms H. N. Jaipurkar, AGP for the Respondents No.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 15th NOVEMBER, 2022.

. This is an application seeking condonation of delay of 548 days in filing the cross-objection in First Appeal No.1323 of 2017 filed by the Acquiring Body, which has already been admitted and paper-book in respect thereof has already been filed.

2. Learned counsel for the cross-objector draws the attention of this Court to paragraphs 2 to 9 of the said application to explain the delay. Learned counsel would submit that due to the poor financial condition of the claimant, this cross-objection could not be filed. He would submit that the Land Acquisition Officer has granted only a rate of Rs.37,000/- per hectare and the Reference Court enhanced it to Rs.1,25,000/- per hectare, whereas the claim was for Rs.3,00,000/- per hectare. He would submit that therefore the rates granted by both the Land Acquisition

Officer as well as the Reference Court are under valued, and therefore, the cross-objection. He would submit that the cross-objector has a good case on merits, and therefore, the delay be condoned and the cross-objection be admitted and heard alongwith this appeal.

3. On the other hand, Ms Khisti, learned counsel for the Acquiring Body objects to the same, but states that if this Court is inclined to condone the delay, the interest for the delayed period be waived.

4. Having heard learned counsel and having perused the application for condonation of delay, let the delay of 548 days be condoned subject to waiver of interest for the delayed period.

5. Let the cross-objection be registered. The same is hereby admitted to be heard alongwith First Appeal No.1323 of 2017. Let the first appeal and cross-objection be heard on **12.01.2023**.

6. The application accordingly stands disposed.

(JUDGE)

TAMBE