



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

CIVIL APPLICATION (CAF) NO. 3078 OF 2023

IN

FIRST APPEAL(St.) NO. 5923 OF 2020

Anjanabai Baliram Thakre (dead) through LR's and others

VS.

The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr R. J. Shinde, Advocate for the appellants
Ms Trupti Udeshi, AGP for State
Mr M. A. Kadu, Advocate for respondent No. 4

CORAM : G.A. SANAP, J.

DATE : OCTOBER 6, 2023.

Heard.

2. Learned AGP waives service of notice on behalf of respondent Nos. 1 to 3/State.
3. Learned Advocate Mr M. A. Kadu waives service of notice on behalf of respondent No. 4.
4. This is an application for condonation of 3353 days delay caused in filing appeal against impugned judgment and award, dated 13.10.2010 passed by the learned Civil Judge Senior Division, Darwaha in Land Acquisition Case No. 225 of 2004. The reasons have been stated in the application.

5. Learned AGP for the State, relying upon a decision in the case of *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)*, submits that delay may be condoned, subject to condition that the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act, 1894 on the enhanced amount of compensation for the delayed period.
6. Learned Advocate for the applicants/appellants submits that the Court may pass an appropriate order.
7. In view of the above, the application is allowed. Delay of 3353 days caused in filing appeal stands condoned.
8. It is made clear that the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act on the enhanced amount of compensation for the delayed period of 3353 days, in case the appeal is allowed.
9. The appeal be registered.
10. The application stands **disposed of**, accordingly.

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11. Heard learned Advocate for the appellant.
12. **ADMIT.**
13. Learned AGP waives service of notice on behalf of respondent Nos. 1 to 3/State.
14. Learned Advocate Mr M. A. Kadu waives service of notice on behalf of respondent No. 4.
15. Call for record and proceedings.
16. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Namrata