



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

CIVIL APPLICATION (CAF) NO. 2252/2023

IN

FIRST APPEAL (ST) NO. 12232/2020

Chagan Bhanudas Rathod Vs. The State of Maharashtra and Ors.

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

Court's or Judge's order

Mr. A.S. Nakshane, Advocate for Appellant.

Ms. M. R. Kavimandan, A.G.P for Respondent(s)/State.

Mr. V. B. Rathi, Advocate h/f. Mr. P. B. Patil, Advocate for Respondent Nos.3
& 4

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 27.10.2023

. This is an application for condonation of delay of 1616 days for filing appeal challenging the reference Court's order passed by the Trial Court.

2. The learned Counsel for the appellant has stated that due to paucity of funds and Covid pandemic, there is a delay in filing appeal.

3. The learned Counsel appearing for the respondent No.3 raised an objection to condon the delay as day to day delay is not properly explained and paucity of money cannot be the ground for condoning the delay. He has also stated that if the delay is condoned, then as per the judgment of New *Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal Heir and Anr.* reported in *2022 SCC OnLine Sc 1599* the delay may be condoned subject to condition that the original land owner shall not be entitled to get any statutory benefits including the interest payable under the

Land Acquisition Act, 1894 on delayed period if Court grants enhanced amount of compensation.

4. The learned Counsel for the appellant has relied on the Judgment of *Imrat Lal and Ors Vs. Land Acquisition Collector and Ors.* reported in *2014 (9) Scale 446* where only interest for the period of delay is waived. This judgment is of 2014 and as the respondent has relied on the judgment of 2022 of *New Okhala Industrial Development* (supra), this Court has earlier passed the similar order. In view of the judgment passed in New Okhala Industrial Development, the application is allowed.

5. The delay of 1616 days caused in filing appeal is condoned.

6. It is made clear that the original land owner 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 of 1616 days, in case the appeal is allowed.

7. The appeal be registered accordingly.

8. The application is disposed of.

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. Heard.

2. **Admit.**

3. Call for record and proceedings.

(MRS.VRUSHALI V. JOSHI, J.)