



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

CIVIL APPLICATION (CAF) NO. 536 OF 2022
IN
FIRST APPEAL (ST) NO. 13034 OF 2020

Devida Gyanba Atole

VS.

Executive Engineer, Washim 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 Rohit Masurkar, Adv. h/f. Mr S. S. Gaikwad, Advocate for the appellant
Ms Malika Babhulkar, Adv. h/f. Mr M. A. Kadu, Advocate for respondent No. 1
Ms Trupti Udeshi, AGP for respondent No. 2

CORAM : G.A. SANAP, J.

DATE : OCTOBER 6, 2023.

Heard learned advocates for the parties.

2. This is an application for condonation of 958 days delay caused in filing appeal against impugned judgment and award, dated 02.05.2017 passed by the learned Civil Judge Senior Division, Washim in Land Acquisition Case No. 145 of 2012. The reasons have been stated in the application.

3. 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 owner/claimant/appellant 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.

4. Learned Advocate for the applicant/appellant submits that the Court may pass an appropriate order.

5. In view of the above, the application is allowed. Delay of 958 days caused in filing appeal stands condoned.

6. It is made clear that the original land owner/ claimant/ appellant 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 958 days, in case the appeal is allowed.

7. The appeal be registered.

8. The application stands **disposed of**, accordingly.

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9. Heard.

10. ADMIT.

11. Learned holding Advocate Ms Malika Babhulkar waives service of notice on behalf of respondent No. 1.

12. Learned AGP waives service of notice on behalf of respondent No. 2.

13. Call for record and proceedings.
14. Paper book be filed within 12 weeks from the date of receipt of record and proceedings. If the paper book is not filed within twelve weeks the appeal shall stands dismissed without further reference to the Court.

(G. A. SANAP, J.)

Namrata