



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

CIVIL APPLICATION (CAF) NO. 2694 OF 2023
IN
FIRST APPEAL ST. NO. 14866 OF 2023

Sahebrao Kakharam Darode

.Vs.

The State of Maharashtra and Ors.

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

None for the appellant.

Shri M.A. Kadu, AGP for respondent Nos.1 and 2.

CORAM : G.A. SANAP, J.

DATE : 21/09/2023

Heard learned AGP for respondent Nos.1 and 2.

2. This is an application for condonation of 490 days delay caused in filing appeal against impugned judgment and award, dated 13.01.2020 passed by the Reference Court. The reasons have been stated in the application.

3. Learned AGP for the respondent Nos.1 and 2, 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.

4. In view of the above, the application is allowed. Delay of 490 days caused in filing appeal stands condoned.

5. 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 490 days, in case the appeal is allowed.

6. The appeal be registered.

7. The application stands disposed of, accordingly.

FIRST APPEAL ST. NO. 14866 OF 2023

1. ADMIT.

2. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.

3. Notice to respondent No.3 returnable within eight weeks.

4. Call for the record and proceedings.

5. Private paper book be filed within 12 weeks from the date of receipt of record. If the paper book is not filed within the prescribed period, then the appeal shall stand dismissed without reference to the Court.

(G. A. SANAP, J.)