



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

CIVIL APPLICATION (CAF) NO. 1552 OF 2023

IN

FIRST APPEAL ST. NO. 16573 of 2022

Baburao Gopalrao Raut (Dead) through LR's Prabhavati Baburao Raut (Dead)

VS.

The State of Maharashtra through Collector Yavatmal 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 P. Rathi, Advocate h/f Mr. L.B. Rathi, the appellant.

Ms Prachi Joshi, AGP for respondent Nos.1 and 2.

Mr. M.A. Kadu, Advocate for respondent No.3.

CORAM : G.A. SANAP, J.

DATE : OCTOBER 12, 2023.

Heard learned advocates for the parties.

2. This is an application for condonation of 5072 days delay caused in filing appeal against impugned judgment and award, dated 28/08/2006 passed by the Reference Court. The reasons have been stated in the application.

3. Learned AGP for 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 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 5072 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 5072 days, in case the appeal is allowed.

7. The appeal be registered.

8. The application stands disposed of, accordingly.

(G. A. SANAP, J.)

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