



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

CIVIL APPLICATION (CAF) NO. 3524 OF 2023

IN

FIRST APPEAL (ST) NO. 13174 OF 2023

Executive Engineer, Amravati Project

Vs.

Sau. Rupali Sandip Dhole and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. B. Patil, Advocate for applicant.
Shri P. R. Agrawal, Advocate for non-applicant nos. 1 and 2.
Shri M. A. Kadu, AGP for non-applicant nos. 3 and 4/State.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 29.04.2026

Heard Shri P. B. Patil, learned counsel appearing for the applicant/acquiring body, Shri P. R. Agrawal, learned counsel appearing for non-applicant nos. 1 and 2/original claimant and Shri M. A. Kadu, learned AGP for non-applicant nos. 3 and 4/State.

2. By the present application, the applicant/acquiring body seeks condonation of delay of 55 days caused while lodging the appeal against the judgment and order dated 25.11.2022 passed in Case No. 1147/AMT/AMT/2018 by the Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur.

3. Learned counsel appearing for respondent nos. 1 and 2 strongly opposed the application on ground

that the applicant/acquiring body has not explained the delay properly so also there is inaction on the part of the officers of the acquiring body in lodging the appeal in the stipulated period.

4. It is well settled principle of law that the litigant should not be deprived of substantial justice due to technical grounds. In the case at hand, the applicant/acquiring body has offered explanation for delay caused in filing the appeal in para nos. 3 and 4 of the application. The delay of 55 days appears to be bonafide and substantially explained by the applicant/acquiring body hence, I am inclined to allow the present application.

5. Accordingly, the application is allowed and the delay of 55 days caused while lodging the appeal is hereby condoned. The office to register the First Appeal.

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6. Heard the learned counsel for the respective parties at length.

7. The present appeal is filed under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 r/w. Section 96 of the Code of Civil Procedure.

8. The appellant-acquiring body is challenging the legality and validity of the judgment and order dated 25.11.2022 passed in Case No. 1147/AMT/AMT/2018 by the Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur enhancing the compensation without considering the evidence filed on record.

9. **Admit.**

10. Call record and proceeding.

11. Shri P. R. Agrawal, learned counsel waives service of notice for respondent no. 1 and 2.

12. Shri M. A. Kadu, learned AGP waives service of notice for respondent nos.3 and 4/State.

13. The appellant to file private paper-book within a period of 12 weeks from today.

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14. Heard the learned counsel appearing for the respective parties.

15. By the present application, respondent nos. 1 and 2/original claimants seek permission to withdraw the entire amount of compensation awarded under the judgment and order dated 25.11.2022 passed in Case No. 1147/AMT/AMT/2018 by the Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur. It has been canvassed by the learned counsel appearing for respondent nos. 1 and 2/original claimants that the land

of the present respondents has been acquired and to meet day-to-day expenses and for the purpose of education of their children they are in need of money.

16. The learned counsel appearing for the appellant/acquiring body has strongly resisted the application on the ground that, in case the impugned judgment and award is modified/reversed, in that event it will not be possible to recover the said amount hence, prayed for rejection of the application.

17. The learned AGP appearing for the respondents/State submitted the Court for passing appropriate order.

18. It is a matter of record that the appellant/acquiring body has acquired the land of respondent nos. 1 and 2 for public project. On 18.11.2019, the Trial Court enhanced the amount of compensation to Rs.16,63,011/-. Therefore, it will be just and proper to permit respondent nos. 1 and 2 to withdraw 50% of the compensation amount along with accrued interest on furnishing usual undertaking and 25% of the compensation amount along with accrued interest on furnishing surety to the sanctification of the Registrar (Judicial) of this Court.

19. Accordingly, the application stands disposed of.

(Y. G. KHOBRAGADE, J.)