



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

CIVIL APPLICATION (CAF) NO.1262 OF 2024 IN
FIRST APPEAL ST. NO.228 OF 2024

Shankar S/o Ganpatrao Kuthe and others .Vs. State of Mah. and others

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

Court's or Judge's Order

Mrs Rajkumari Rai, Advocate for appellants.
Shri M.A. Kadu, A.G.P. for respondents/State.
Shri T.M. Zaheer, Adv. for respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 08/08/2024

1. Heard learned advocates for both sides.
3. Perused the application.
4. The delay of 6123 days is caused for filing first appeal.
5. For the reasons stated in the application particularly in paragraph No.4 that applicants comes to know that some additional compensation is awarded for the trees grown on the acquired land. It is further submitted that, delay was not deliberately caused it would not intentionally delay. The learned advocate for the respondents have strongly objected to allow the application.
6. Considering peculiar set of facts and the reasons stated in the application, the application deserves to be allowed in the interest of justice. The application is **allowed.**

7. If an amount of compensation is enhanced by this Court, the applicant shall not be entitled to the statutory benefits i.e. interest etc. on that amount in view of the judgment in the case of *New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another* (2022 SCC Online SC 1599), the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payment under the Land Acquisition Act on the enhanced amount of compensation for the delayed period, in case the appeal is allowed.

8. Application is **disposed of**.

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9. Issue notice to the respondents.

10. Shri Kadu, learned A.G.P. waives service of notice for the respondent Nos.1 and 2.

11. Shri Zaheer, learned advocate waives service of notice for the respondent No.3.

12. Call record and proceedings.

13. Filing of paper book is dispensed with.

14. The learned advocate for the appellants submits that First Appeal No.547 of 2014 arising out of same award, is pending before this Court, he therefore prayed for tagged that appeal with this appeal.

15. The First Appeal No.547 of 2014 be tagged along with this appeal.

(SANJAY A. DESHMUKH, J.)