



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

CIVIL APPLICATION NO.608 OF 2022
IN
CROSS OBJECTION ST. NO. 641 OF 2022
IN
FIRST APPEAL 976 OF 2016

The Executive Engineer, Khadk Purna Project Division, Vidarbha Irrigation Development,
Buldhana
.Vs.
Nivrutti Dnyandeo Dandge (Deshmukh) and Ors.

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

Mr. R.D. Kalra, Advocate for appellant in appeal.
Ms Vidya Umale, Advocate for respondent Nos.1 to 3 in cross objection.
Ms Anjali Agrawal, Advocate h/f Ms Ashwinin S. Athalye, Advocate for respondent
Nos.1 to 3 in appeal.
Ms Mukta Kavimandan, AGP for respondent Nos.4 and 5.

CORAM : G.A. SANAP, J.
DATE : 12/03/2024

Heard.

2. This is an application for condonation of 1319 days delay caused in filing appeal against impugned judgment and award, dated 05.04.2014 passed by the Joint Civil Judge (Sr. Dn.) Buldhana. The reasons have been stated in the application. In view of the reasons, the application is **allowed**.
3. Delay of 1319 days caused in filing cross objection stands condoned.

4. It is made clear that in view of the 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)*, 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, in case the appeal is allowed.

5. The cross objection be registered.

6. The civil application stands disposed of, accordingly.

CROSS OBJECTION (St.) NO. 641 OF 2022

7. Heard.

8. ADMIT.

9. Learned AGP waives service of notice on behalf of respondent Nos. 4 and 5.

10. Learned Advocate Mr R.D. Kalra waives service of notice on behalf of Executive Engineer.

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11. Advocate for the appellant shall file paper book

within three weeks.

12. If paper book is not filed within three weeks then appellant shall pay costs of Rs.5,000/-.

(G. A. SANAP, J.)

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