



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

CIVIL APPLICATION (CAF) NO. 1619 OF 2022

IN

FIRST APPEAL (St.) NO. 1036 OF 2022

Thavra S/o. Bhiku Chavan

.VS.

The District 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 Vaibhav Patre Advocate for the appellant

Mr K. R. Lule, AGP for the State/respondent Nos. 1 and 3

CORAM : G.A. SANAP, J.

DATE : JANUARY 08, 2024.

Nobody appears for respondent No.2 despite service. Heard learned Advocate for the appellant and learned AGP for respondent Nos. 1 and 3.

2. This is an application for condonation of 4578 days delay caused in filing appeal against impugned judgment and decree, dated 04.06.2007 passed by the Civil Judge Senior Division, Pusad, Dist. Yavatmal. The reasons have been stated in the application.

3. Learned AGP for respondent Nos. 1 and 3 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 4578 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, in case the appeal is allowed.

7. The appeal be registered.

8. The application stands **disposed of**, accordingly.

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9. Heard.

10. **ADMIT.**

11. Issue notice to the respondents, returnable within four weeks.

12. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 3.
13. Call for record and proceedings.
14. Paper book be filed within twelve weeks from the date of receipt of record and proceedings. If the paper book is not filed within twelve weeks the matter shall stand dismissed without further reference to the Court.

(G. A. SANAP, J.)

Namrata