



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

**CIVIL APPLICATION (CAF) NO.1702 OF 2022**

**IN**

**FIRST APPEAL ST. NO. 4137 OF 2020**

Sau. Pushpa Babanrao Gokhare and ors

VS.

State of Maharashtra and ors.

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

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Mr A.B. Nakshane, Advocate for appellant.

Mr. Ganesh Umale, AGP for respondent Nos.1 and 2.

Mr. K.R. Lule, Advocate for respondent No.3.

**CORAM : G.A. SANAP, J.**

**DATE : JANUARY 05, 2024.**

Heard learned Advocate for the appellant and  
learned AGP for the respondent Nos.1 and 2/State and  
learned Advocate for respondent No.3.

2. This is an application for condonation of 211  
days delay caused in filing appeal against impugned  
judgment and award dated 29/01/2019 passed by the  
learned Civil Judge, Sr. Division, Kelapur in Land  
Acquisition Case No.8/2011. The reasons have been  
stated in the application.

3. Learned Advocate for the respondent Nos.1  
and 2/State and learned Advocate for respondent No.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)*, submit that delay may be condoned, subject to condition that 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, 1894 on the enhanced amount of compensation for the delayed period.

4. Learned advocate for the applicants/appellants submits that the Court may pass an appropriate order.

5. In view of the above, the application is allowed. Delay of 211 days caused in filing appeal stands condoned.

6. It is made clear that 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 of 211 days, in case the appeal is allowed.

7. The appeal be registered.

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

**FIRST APPEAL (ST.) No. 4137 of 2020**

1. Heard.
2. **ADMIT.**
3. Mr. Ganesh Umale, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 2.
4. Mr. K.R. Lule, learned Advocate waives service of notice on behalf of respondent No.3.
5. Call for the record and proceedings.
6. Office objections, if any, be removed within two weeks from today.
7. Paper book be filed within twelve weeks from the date of receipt the record and proceedings.
8. If the paper book is not filed within the said period, then the appeal shall stand dismissed without reference to the Court.

**(G. A. SANAP, J.)**

*Manisha*