



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

CIVIL APPLICATION (CAF) NO. 3829 OF 2023

IN

FIRST APPEAL (St.) NO. 4578 OF 2022

Mahavir S/o. Suganchand Chopda

.VS.

The State of Maharashtra 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 A. B. Nakshane Advocate for the appellant

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

Mr M. A. Kadu, Advocate for respondent No. 3

CORAM : G.A. SANAP, J.

DATE : JANUARY 12, 2024.

Heard learned Advocates for the parties.

2. This is an application for condonation of 2696 days delay caused in filing appeal against impugned judgment and decree, dated 02.08.2012 passed by the Civil Judge Senior Division, Yavatmal. The reasons have been stated in the application.

3. Learned Advocate for the applicant/appellant submits that the Court may pass an appropriate order.

4. Learned AGP for respondent Nos. 1 and 2 and learned Advocate for respondent No. 3 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.

5. In view of the above, the application is allowed. Delay of 2696 days caused in filing appeal stands condoned.

6. 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 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.

(G. A. SANAP, J.)

Namrata