



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

CIVIL APPLICATION [CAF] NO.3183 OF 2023 IN
FIRST APPEAL ST. NO.4961 OF 2021

[Raisingh Jaggya Chavan (Dead) and others .vs. The State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri Mohit Dube, Advocate h/f Shri A.B. Nakshane, Advocate for Applicants-
 Appellants.
 Shri M.A. Kadu, AGP for Respondent Nos.1 and 2,
 Shri T.M. Zaheer, Advocate for Respondent Nos.3 and 4.

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 19th AUGUST, 2024.

This is an application for condonation of delay of 1501 days caused for preferring the appeal. Perused the application.

2. Heard the learned Advocates for both the sides.

3. Considering the reasons stated in the application, it appears that the delay has not been caused deliberately, therefore, the application deserves to be allowed in the interest of justice. Hence, the delay is hereby condoned.

4. It is clarified that if the amount of compensation is enhanced by this Court, the applicants/appellants shall not be entitled to the interest and statutory benefits on delayed period, in view of the judgment of the Supreme Court in the case of *New Okhla Industrial Development Authority .vs. Rameshwar @ Ramesh Chandra Sharma*, reported in *2022 (16) Scale 653*.

5. The application is allowed and disposed of.

Pursis No.4/2024

1. By this pursis, the appellants have informed this Court that respondent no.5 Sau. Suman Raisingh Chavan has been died on 26.06.2021. The said Suman was widow of Raisingh Chavan, hence they are having common legal representatives and that legal representatives are already on record. This fact is noted in the pursis.

2. The learned Advocate for the appellants further prayed to delete the name of respondent no.5 Sau. Suman Raisingh Chavan as she is died after filing of the first appeal. The deletion be carried out forthwith.

3. The pursis is disposed of.

FIRST APPEAL ST. NO.4961/2021

1. Heard.

2. Issue notice to the respondents, returnable after eight weeks.

3. Shri M.A. Kadu, learned Assistant Government Pleader waives notice for respondent nos.1 and 2 and Shri T.M. Zaheer, learned Advocate waives notice for respondent nos.3 and 4.

4. Call for record and proceedings.

5. After receipt of the record and proceedings, the appellants are directed to file the paper book within eight weeks from today.

(SANJAY A. DESHMUKH, J.)