



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

CIVIL APPLICATION [CAF] NO.2442 OF 2021

IN

FIRST APPEAL ST. NO.8563 OF 2021

[Smt. Hirabai Birbaldeo Lolosare (Smt. Chhayabai Suresh Lolusare 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

Mr. C.R. Najbile, Advocate for Applicants.
Mr. A.M. Joshi, AGP for Respondent Nos.1 and 2.
Mr. T.M. Zaheer, Advocate for Respondent No.3.
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CORAM : SANJAY A. DESHMUKH, J.
DATE : 28th NOVEMBER, 2024.

1. This is an application for condonation of delay of 1923 days caused for filing the first appeal.
2. Perused the application.
3. Heard the learned advocates for both the sides.
4. Learned advocate for the applicants pointed out in para nos.2 and 3 of the application in which it is contended that financial condition of the applicant is not sound. The applicant is old aged lady. She is agriculturist. She is not knowing the law and procedure and, therefore, the delay is caused for filing the appeal.
5. Learned advocate for the respondents strongly objected the application and submitted to reject the application.
6. Considering the grounds stated in the application and in view of the judgment of the Hon'ble Supreme Court in **Imratlal and others .vs. Land Acquisition Collector, Published in 2014**

(9) **Scale 446**, the delay deserves to be condoned in the interest of justice. The delay of 1923 days caused for filing the first appeal is hereby condoned, as the delay is not deliberately caused.

7. It is clarified that in case the amount of compensation is enhanced, then in that case, the applicants are not entitled for the statutory benefits like interest, etc. for the delayed period in view of the Judgment of Hon'ble Supreme Court 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)**.

8. The application is allowed and disposed of.

(SANJAY A. DESHMUKH, J.)