



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

CIVIL APPLICATION (CAF) NO. 1197 OF 2022
IN
FIRST APPEAL (St.) NO. 11147 OF 2020

Keshav Babarao Sawai

.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 N.M. Kolhe, Advocate for the appellant

Mr K. R. Lule, AGP for the State/respondent Nos. 1 and 2.

CORAM : G.A. SANAP, J.
DATE : JANUARY 16, 2024.

Heard.

2. This is an application for condonation of 303 days delay caused in filing appeal against impugned judgment and award, dated 16.02.2019 passed by the learned Civil Judge Senior Division, Yavatmal, Dist. Yavatmal. The reasons have been stated in the application.

3. Learned AGP for respondent Nos. 1 and 2 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 303 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. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.

12. Mr. Ritesh Kalra, learned Advocate waives service of notice on behalf of respondent No.3.

13. Call for record and proceedings.
14. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

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