



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

CIVIL APPLICATION (CAF) NO. 261 OF 2024
IN
FIRST APPEAL (ST.) NO. 12671 OF 2023

Bhiva S/o Dinaji Patil (Dead) through L.Rs.

.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. V.N. Patre, Advocate for the appellants.

Ms. Kavita Bhondge, AGP for respondent Nos.1 and 3.

Mr. A.M. Kukday, Advocate for respondent No.2.

CORAM : G.A. SANAP, J.

DATE : APRIL 29, 2024.

Heard.

2. Issue notice to the respondents.
3. Learned AGP waives service of notice on behalf of respondent Nos.1 and 3/State.
4. Learned Advocate Mr. Kukday waives service of notice on behalf of respondent No.2.
5. This is an application for condonation of 5202 days delay caused in filing appeal against impugned judgment and award. The reasons have been stated in the application. In view of the reasons, the application is **allowed**.

6. Delay of 5202 days caused in filing appeal stands condoned.

7. 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 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, in case the appeal is allowed.

8. The first appeal be registered.

9. The civil application stands **disposed of**, accordingly.

FIRST APPEAL (St.) NO. 12671 OF 2023

10. Heard.

11. **ADMIT.**

12. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 3/State.

13. Learned Advocate Mr. Kukday waives service of notice on behalf of respondent No. 2.

14. Call for record and proceeding.

15. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Kirtak