



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

CIVIL APPLICATION (CAF) NO. 1232 OF 2023

IN

FIRST APPEAL (St.) NO. 12751 OF 2022

Chetankumar Vijaykumar Agrawal and other

.VS.

State of Maharashtra through Collector, Amravati 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 Paras Rathi, Advocate h/f Mr. R.J. Shinde, Advocate for the appellants.

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

CORAM : G.A. SANAP, J.

DATE : JANUARY 22, 2024.

This is an application for condonation of 4199 days delay caused in filing appeal against impugned judgment and award, dated 24.10.2008 passed by the Civil Judge Senior Division, Achalpur Dist. Amravati. The reasons have been stated in the application.

2. 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.

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

4. In view of the above, the application is allowed. Delay of 4199 days caused in filing appeal stands condoned.

5. 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.

6. The appeal be registered.

7. The application stands **disposed of**, accordingly.

FIRST APPEAL (ST.) NO. 12751 OF 2022

8. Heard.

9. **ADMIT.**

10. Issue notice to the respondents, returnable within four weeks.

11. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.

12. Call for record and proceedings.

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

(G. A. SANAP, J.)

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