



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

CIVIL APPLICATION (CAF) NO.1843 OF 2023

IN

FIRST APPEAL ST. NO. 13046 OF 2020

Ganesh Daulat Kharat

VS.

Executive Engineer, Minor Irrigation Division, Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr R.P. Masurkar, Adv. h/f Mr. S.S. Gaikwad, Advocate for appellant.

Mr. S.K. Bhoyar, Advocate for respondent No.1.

Mr. Ganesh Umale, AGP for respondent No.2.

CORAM : G.A. SANAP, J.

DATE : JANUARY 05, 2024.

Heard learned Advocate for the appellant and
learned Advocate for respondent No.1 and learned AGP
for the respondent No.2/State.

2. This is an application for condonation of
1233 days delay caused in filing appeal against impugned
judgment and award dated 02.05.2017 passed by the
learned Joint Civil Judge, Sr. Division, Washim in Land
Acquisition Case No.310/2012. The reasons have been
stated in the application.

3. Learned counsel for the respondent Nos.1
and 2/State, 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 owners/claimants/ 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 1233 days caused in filing appeal stands condoned.

6. It is made clear that the original land owners/claimants/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 of 1233 days, in case the appeal is allowed.

7. The appeal be registered.

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

FIRST APPEAL (ST.) No. 13046 of 2020

1. Heard.
2. **ADMIT.**
3. Mr. S.K. Bhoyar, learned Advocate waives service of notice on behalf of respondent No.1. and Mr. Ganesh Umale, learned Assistant Government Pleader waives service of notice on behalf of respondent No. 2/State.
4. Call for the record and proceedings.
5. Office objections, if any, be removed within two weeks from today.
6. Paper book be filed within twelve weeks from the date of receipt the record and proceedings.
7. If the paper book is not filed within the said period, then the appeal shall stand dismissed without reference to the Court.

(G. A. SANAP, J.)

Manisha