



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

CIVIL APPLICATION (CAF) NO.2041 OF 2024 IN
FIRST APPEAL NO.995 OF 2017

Madhav S/o Deorao Sarnaik & Ors. .Vs. The State of Mah., through Collector,
Washim and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.A. Deshpande, Advocate for appellants.

Shri P.P. Pendke, A.G.P. for respondent/State.

Mrs. U.A. Patil, Advocate for respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20/08/2024

1. This is an application for permission to bring the legal representative of appellant No.1 on record, setting aside abatement and condonation of delay of 827 days.

2. Heard learned advocates for both sides.

3. Perused the application.

4. The learned advocate for the respondents strongly objected the application.

5. It is made clear that in view of the decision in the case of *New Okhla Industrial Development Authority v. 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 payment under the Land Acquisition Act on the

enhanced amount of compensation for the delayed period, in case the appeal is allowed.

6. Delay in setting aside abatement is condoned. Abatement is set aside. Permission is granted to bring legal representatives of appellant No.1 on record.

7. Appellant is directed to carry out the amendment within **a week**. After amending, amended copy be supplied to other side.

8. Civil application is **disposed of**.

(SANJAY A. DESHMUKH, J.)