



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

CIVIL APPLICATION (CAF) NO. 2450 OF 2022

IN

FIRST APPEAL (St.) NO. 14089 OF 2022

Ramrao S/o. Shripat Kakde

.VS.

The State of Maharashtra, through Collector, Buldhana 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 S. V. Ingole, Advocate for the appellant

Mr Ganesh Umale AGP for the State/respondent Nos. 1 and 2

Mr N. M. Gaidhane, Advocate for respondent No. 3

CORAM : G.A. SANAP, J.

DATE : JANUARY 08, 2024.

Heard learned advocates for the parties.

2. This is an application for condonation of 3972 days delay caused in filing appeal against impugned judgment and award, dated 31.07.2009 passed by the Civil Judge Senior Division, Buldhana. The reasons have been stated in the application.

3. Learned Advocates for the respondents 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 3972 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 of 3972 days, 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. Learned Advocate Mr. N. M. Gaidhane 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. If the paper book is not filed within twelve weeks the matter shall stand dismissed without further reference to the Court.

(G. A. SANAP, J.)

Namrata