



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

CIVIL APPLICATION [CAF] NO.2508 OF 2024

IN

FIRST APPEAL ST. NO.15598 OF 2024

[Kashiram s/o Sakharam Deshmukh and others .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Ravi Shrivastava, Advocate for Applicants.
Mr. S.B. Bissa, AGP for Respondent Nos.1 and 2.
Mr. M.A. Kadu, Advocate for Respondent No.3.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 28th NOVEMBER, 2024.

1. This is an application for condonation of delay of 802 days caused for filing the appeal.
2. Perused the application.
3. Heard the learned advocate for both the sides.
4. Learned advocate for the applicants pointed out the reasons and grounds pleaded in para 10 of the application that as the Covid period continued till the second half of the year 2022 and the applicants during this period being in serious threat of Covid did not move out and they had suffered serious financial difficulty as the applicants are poor and, therefore, they are not in a position to file the appeal within time. These reasons are sufficient reasons to condone the delay, as it shows that the delay is not deliberately caused. The application therefore deserves to be allowed.

5. It is clarified that in case the amount of compensation is enhanced, then in that case, the applicants are not entitled for the statutory benefits like interest, etc. for the delayed period in view of the Judgment of Hon'ble Supreme Court 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).**

6. The application is allowed and disposed of.

First Appeal St. No.15598/2024

1. Heard.

2. **Admit.**

3. Issue notice to the respondents.

4. Mr. S.B. Bissa, learned AGP waives notice for respondent Nos.1 and 2.

5. Mr. M.A. Kadu, learned advocate waives notice for respondent no.3.

6. Stand over after six weeks.

(SANJAY A. DESHMUKH, J.)