



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

CIVIL APPLICATION (CAF) NO.2251 OF 2024 IN
FIRST APPEAL ST. NO.15686 OF 2024

Shri Gajanan S/o Namdeo Dive .Vs. The State of Mah., and others

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

Court's or Judge's Order

Shri S.V. Ingole, Advocate for appellant.

Shri P.P. Pendke, A.G.P. for respondents Nos.1 and 2/State.

Shri M.A. Kadu, advocate for the respondent Nos.3 and 4.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20/08/2024

1. Issue notice to the respondents, returnable on **26.08.2024**.
2. Shri Pendke, learned A.G.P. waives service of notice for the respondents/State.
3. Shri Kadu, learned advocate waives service of notice for the respondent Nos.3 and 4.
4. This is an application for condonation of delay of 2149 days caused for preferring first appeal.
5. Heard learned advocates for both sides.
6. Perused the application.
7. Considering reasons stated in the application, the application deserves to be allowed in the interest of justice. The application is **allowed** as prayed for.
8. 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.

9. The civil application stands **disposed of**, accordingly.

FIRST APPEAL ST. NO.15686 OF 2024

10. Issue notice to the respondents, returnable on **26.08.2024**.

11. Shri Pendke, learned A.G.P. waives service of notice for the respondents/State.

12. Shri Kadu, learned advocate waives service of notice for the respondent Nos.3 and 4.

(SANJAY A. DESHMUKH, J.)