



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

CIVIL APPLICATION [CAF] NO.2228 OF 2024

IN

FIRST APPEAL ST. NO.15691 OF 2024

[Himmat Shamrao Gayaki (dead) through legal heirs and others .vs. The 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

Shri S.V. Ingole, Advocate for Appellants.
Shri P.P. Pendke, AGP for Respondent Nos.1 and 2,
Shri M.A. Kadu, Advocate for Respondent No.3.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th AUGUST, 2024.

This is an application for condonation of delay filed under Section 5 of the Limitation Act. The delay of 2042 days is caused for filing an appeal.

2. Heard learned Counsel for both sides.

3. Considering the fact that the delay shall be condoned liberally, the application deserves to be allowed. The delay of 2042 days is hereby condoned in the interest of justice. The application is allowed and disposed of.

4. It is clarified that if the amount of compensation is enhanced by this Court, the applicants/appellants shall not be entitled to the interest on delayed period, in view of the judgment of the Supreme Court in the case of ***New Okhla Industrial Development Authority .vs. Rameshwar @ Ramesh Chandra Sharma***, reported in ***2022 (16) Scale 653***.

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1. Heard.
2. Issue notice to the respondents, returnable on **2nd September, 2024.**
3. Shri P.P. Pendke, learned Assistant Government Pleader waives notice for respondent nos.1 and 2 and Shri M.A. Kadu, learned Advocate waives notice for respondent no.3.

(SANJAY A. DESHMUKH, J.)