



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

CIVIL APPLICATION (CAO) NO. 1317 OF 2023

IN

FIRST APPEAL (St.) NO. 11122 OF 2022

Yeshwant S/o. Jagnnath Surkar.VS. The State of Maharashtra 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 Raju S. Yeotkar, Advocate for the appellant

Mr K. R. Lule, AGP for respondent Nos. 1 & 2/State

CORAM : G.A. SANAP, J.

DATE : FEBRUARY 27, 2024.

Heard.

2. This is an application for condonation of 228 days delay caused in filing application for restoration of appeal. The reasons have been stated in the application. In view of the reasons, the application is **allowed**.

3. Delay of 228 days caused in filing restoration application stands condoned.

4. It is made clear that in view of the 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)*, 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, in case the appeal is allowed.

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

MISC. CIVIL APPLICATION NO. 126 OF 2024

6. Heard.

7. In view of the reasons stated in the application, the application is **allowed**.

8. The order of dismissal dated 13.12.2022 is recalled.

9. The first appeal be restored to the original file.

FIRST APPEAL (St.) NO. 11122 OF 2022

10. On registration, office objection(s), if any, be removed within three weeks.

(G. A. SANAP, J.)

Namrata