



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

CIVIL APPLICATION (CAO) NO. 758 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 17898 OF 2022

VI.D.C. through Executive Engineer, Lower Wardha Project, Division, Wardha
..VS..

Shamsunder Nathmalji Rathi and others

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

Court's or Judge's orders

Mrs. A.S. Athalye, Advocate for applicant.
Mr. S.O. Ahmed, Advocate for respondent No.1.
Mr. PP. Pendke, AGP for respondent Nos.2 and 3.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 25th JUNE, 2024

This is an application for condonation of delay of 3509 days, filed by applicant/respondent No.1 under Section 5 of the Limitation Act caused in filing Application for revision of the order dated 08.03.2011, passed by the Registrar of this Court.

2. Heard learned Advocate for both sides.

3. The applicant has strongly objected the application.

4. Considering the peculiar set of facts, the application deserves to be allowed in the interest of justice.

5. The application is **allowed**. Delay of 3509 days is condoned for filing Application for revision of the order dated 08.03.2011, passed by the Registrar of this Court

6. If at the time of final hearing of the appeal and cross-objection, the amount of compensation is enhanced, then the cross-objector/respondent No.1 is not entitled for the interest in delayed period i.e. 3509 days, as per judgment passed in *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma*, reported in *2022(16) Scale 653*.

7. The Civil Application is **disposed of**.

8. The cross-objector is permitted to remove the office objection by supplying copy of the cross-objection to the appellant.

9. The applicant is directed to comply the said direction within a period of one week.

(SANJAY A. DESHMUKH, J.)