



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

Civil Application (CAF) No. 3354 of 2023
in

First Appeal St. No. 19917 of 2023

[Smt. Yamunabai Dinaji Rathod ..vs.. State of Maharashtra through Collector, Yavatmal and ors.]

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

Court's or Judge's orders

Mr. Ashish Mehadia, Advocate for the applicant
Mrs. D. I. Charlewar, AGP for the State/non-applicant nos. 1 & 2
Mr. T. M. Zaheer, Advocate for respondent nos. 3 and 4

CORAM : ANIL L. PANSARE J.

DATED : 06-03-2024

By the present application, the applicant is seeking to condone the delay of 2086 days in filing the appeal.

Learned counsel for the applicant has relied upon the decision of the Hon'ble Supreme Court in the case of *Imrat Lal and others Vs. Land Acquisition Officer [2014 (9) Scale 446]*, wherein the Supreme Court has condoned the delay of 1110 days by not allowing the interest on the enhanced compensation for the delayed period.

Learned counsel for the applicant submits that the applicant is also not claiming the interest on the enhanced compensation for the delayed period. He further submits that in identical matter, this Court vide order dated 7-11-2023 in First Appeal No. 768/2017 has condoned the delay of 1509 days.

In view of the above, the application deserves to be allowed and stands allowed, subject to the condition

that the applicant shall not be entitled to claim the interest on the enhanced compensation for the delayed period.

The application stands disposed of in above terms.

The appeal be registered and processed in accordance with the rules.

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Heard.

Admit.

Call R & P.

The appellant shall file private paper book within eight weeks of receipt of R & P.

Learned Assistant Government Pleader Mrs. D. I. Charlewar waives notice for respondent nos. 1 and 2 and learned counsel Mr. T. M. Zaheer waives notice for respondent nos. 3 and 4.

(Anil L. Pansare, J.)