



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

CIVIL APPLICATION (CAF) NO.2986 OF 2024 IN
FIRST APPEAL ST. NO.21020 OF 2023

Pandurang S/o Gulabrao Bhumbar .Vs. State of Mah., 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.S. Shingane, Advocate for appellant.
Ms Ritu Sharma, A.G.P. for respondents/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 13/12/2024

1. This is an application for condonation of delay of 1378 days caused for filing first appeal.
2. Issue notice to the respondents.
3. The learned A.G.P. waives service of notice for the respondents/State.
4. The learned advocate for the appellant submits that appellant is agricultural and he got compensation amount in the year 2022 therefore, he could not manage fund for preferring the appeal. He submits that, appellant is financial poor therefore, application may be allowed.
5. On perusal of application, it appears that, delay is not deliberately caused. The appellant is financial poor. The delay is not deliberately caused. Therefore, the application deserves to be allowed in the interest of justice. The application is **allowed**. Delay of 1378 days is condoned.

6. 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 of 1378 days.

7. Application is **disposed**.

FIRST APPEAL ST. NO.21020 OF 2023

1. Issue notice to the respondents.
2. The learned A.G.P. waives service of notice for the respondents/State.
3. Call record and proceedings.

CIVIL APPLICATION (CAF) NO.2987 OF 2024

1. This is an application for amendment of the Reference Petition No.44 of 2011 decided on 24.10.2017.
2. Heard learned advocates for both sides.
3. Perused the application.
4. For the reasons stated in the application, the application deserves to be allowed. The application is **allowed**.

5. After receiving record and proceedings, appellant is permitted to carry out the amendment within four weeks.
6. Application is **disposed**.

(SANJAY A. DESHMUKH, J.)