



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

CIVIL APPLICATION (CAF) NO. 1639 OF 2023

IN

FIRST APPEAL (ST) NO.19997 OF 2022

Shri Shankar S/o. Tulja Dongre (dead) through LR's and others
.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 Sharad Pawar, Advocate for appellants

Mr R. S. Bhoyar, Adv. h/f. Mr K. P. Mahalle, Advocate for respondent No.3

Mr G. S. Umale, AGP for respondent Nos.1 and 2/State

CORAM : G.A. SANAP, J.

DATE : MARCH 27, 2024.

Heard.

2. Issue notice to the respondents.
3. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 2/State.
4. Learned holding Advocate Mr R. S. Bhoyar waives service of notice on behalf of respondent No.3.
5. This is an application seeking leave to file an appeal by the legal heirs of the deceased claimant No.2- Mansing S/o. Shankar Dongre. In view of the facts stated in the application, leave to file appeal by legal heirs of deceased claimant No. 2 is granted.

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

CIVIL APPLICATION NO. 1636 OF 2023

7. Heard.

8. This is an application for condonation of 3885 days delay caused in filing appeal against impugned judgment and award, dated 28.01.2010 passed by the Civil Judge (Sr. Dn.) Buldhana. The reasons have been stated in the application. In view of the reasons, the application is **allowed**.

9. Delay of 3885 days caused in filing appeal stands condoned.

10. 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 owners/claimants/appellants 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.

11. The first appeal be registered.

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

FIRST APPEAL (ST.) NO. 19997 OF 2022

13. Heard.

14. **ADMIT.**

15. Issue notice to the respondents.

16. Learned AGP waives service of notice on behalf of respondent Nos. 1 and 2/State.

17. Learned holding Advocate Mr R. S. Bhoyar waives service of notice on behalf of respondent No.3.

18. Call for record and proceedings.

19. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Namrata