



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

CIVIL APPLICATION [CAF] NO.1992 OF 2024

IN

FIRST APPEAL ST. NO.22265 OF 2023

[Vitthal Mahadeo Mahalle .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Mr. Pavan P. Sarise, Advocate for Applicant.
 Ms. R.V. Sharma, AGP for Respondent Nos.1 and 2.
 Mr. M.A. Kadu, Advocate for Respondent No.3.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 11th DECEMBER, 2024.

1. This is an application for condonation of delay of 2163 days caused for filing the first appeal.
2. Perused the application.
3. Heard the learned advocate for both sides.
4. Learned AGP for respondent nos.1 and 2 and learned advocate for respondent no.3 strongly opposed the application. They submitted that there is no reason to condone the delay.
5. Learned advocate for applicant pointed out the judgment of this court in **First Appeal No.691/2005 (Smt. Pramilabai wd/o Manguji Ade and others .vs. The State of Maharashtra and one)** decided on January 17, 2018. He submits that this appeal is also covered by that judgment which arises out of same acquisition proceeding of village Dagadparwa, Tahsil-Barshitakli, District – Akola.
6. Considering the ratio laid down by the Hon'ble Supreme Court in the case of **New Okhla Industrial Development Authority .vs. Rameshwar @ Ramesh Chandra Sharma (Dead) through Legal Heir and another**, reported in

(2022) SCC OnLine SC 1599, the applicant being an illiterate and poor agriculturist, the application deserves to be allowed in the interest of justice, as the delay is not caused deliberately. The application is allowed. The delay is condoned. It is clarified that if the amount of compensation is enhanced, in view of the judgment as referred hereinabove, the applicant will not be entitled for statutory benefits like interest etc. for the delayed period of 2163 days caused for filing the first appeal.

7. The application is allowed and disposed of.

FIRST APPEAL ST. NO.22265/2023

1. Heard.
2. **Admit.**
3. Issue notice to the respondents.
4. Ms. R.V. Sharma, learned AGP waives notice for respondent nos.1 and 2 and Mr. M.A. Kadu, learned Advocate waives notice for respondent no.3.
5. Call for record and proceedings.
6. Filing of the paper book is dispensed with, subject to supply copies of the documents to the respondents.

(SANJAY A. DESHMUKH, J.)