



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

CIVIL APPLICATION (CAF) NO. 13 OF 2024

IN

FIRST APPEAL ST. NO. 9123 OF 2020

PRASHANT S/o VILAS RAUT

VERSUS

STATE OF MAH., THRU. THE COLLECTOR, YAVATMAL AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Pravin P. Deshmukh, Advocate for the appellant/applicant.
Mr. H. D. Dubey, A.G.P. for respondent nos.1 and 2
Mr. M. A. Kadu, Advocate for respondent no.3

CORAM : G. A. SANAP, J.

DATE : JANUARY 04, 2024.

1. Heard learned advocates for the parties.
2. Mr. H.D. Dubey, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 2.
3. Mr. M. A. Kadu, learned advocate waives service of notice on behalf of respondent no.3.
4. This is an application for condonation of 293 days delay caused in filing appeal against impugned judgment and award, dated 05.09.2019 passed by the Reference Court. The reasons have been stated in the application.
5. Learned counsel for the respondents, relying upon a 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)*, submits that delay may be condoned, subject to

condition that 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, 1894 on the enhanced amount of compensation for the delayed period.

6. Learned advocate for the applicant/appellant submits that the Court may pass an appropriate order.

7. In view of the above, the application is allowed. Delay of 293 days caused in filing appeal stands condoned.

8. It is made clear that 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 of 293 days, in case the appeal is allowed.

9. The appeal be registered.

10. The application stands disposed of, accordingly.

FIRST APPEAL (ST.) No. 9123 of 2020

1. Heard.

2. **ADMIT.**

3. Mr. H. D. Dubey, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 2.

4. Mr. M. A. Kadu, learned advocate waives service of notice on behalf of respondent no.3.

5. Call for the record and proceedings.

6. Office objections, if any, be removed within two weeks from today.

7. Paper book be filed within twelve weeks from the date of receipt the record and proceedings.
8. If the paper book is not filed within the said period, then the appeal shall stand dismissed without reference to the Court.

JUDGE

Diwale