



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

CIVIL APPLICATION (CAF) NO. 228 OF 2024

IN

FIRST APPEAL ST. NO. 1565 OF 2022

Suresh Seva Rathod

Vs.

State of Maharashtra through Collector, Yavatmal & Ors.

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

Court's or Judge's orders

Mr. C.B. Dharmadhikari, Advocate for the Applicant/Appellant.

Mr. K.R. Lule, AGP for Respondent Nos.1 & 2/State.

Mr. P.B. Patil, Advocate for Respondent No.3.

CORAM : G. A. SANAP, J.

DATED : 23rd JANUARY, 2024.

- . Issue notice to the respondents.
2. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.
3. Learned advocate Mr. P.B. Patil waives service of notice on behalf of respondent No.3.
4. Heard learned advocates for the parties. Perused the record and proceedings.
5. This is an application for condonation of 2485 days delay caused in filing an appeal against the impugned judgment and decree dated 26.02.2013, passed by the Reference Court. The reasons have been stated in the application.
6. Learned AGP for respondent Nos.1 and 2, 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 owner/claimant/appellant herein shall not be entitled to get statutory benefits, including the interest payable under the Land Acquisition Act, 1894 on the enhanced amount of compensation for the delayed period.

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

8. In view of the above, the application is allowed. Delay of 2485 days caused in filing the appeal, is condoned.

9. It is made clear that the original land owner/claimant/appellant 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 2485 days, in case the appeal is allowed.

10. The appeal be registered.

11. The application stands disposed of, accordingly.

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12. Heard.

13. **Admit.**

14. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.

15. Learned advocate Mr. P.B. Patil waives service of notice on behalf of respondent No.3.

16. Call for record and proceedings.
17. Paper-book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Vijay