



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

CIVIL APPLICATION (CAF) NO. 231 OF 2024

IN

FIRST APPEAL ST. NO. 7820 OF 2022

FATMABI W/o HABIB KHAN

VERSUS

STATE OF MAH., THRU. 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. N. M. Kolhe, Advocate for the appellant.
Mrs. Mrunal Naik, A.G.P. for respondent nos.1 and 3
Mr. M. A. Kadu, Advocate for respondent no.2

CORAM : G. A. SANAP, J.

DATE : JANUARY 23, 2024.

1. Heard learned advocates for the parties.
2. Issue notice to the respondents.
3. Mrs. Mrunal S. Naik, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 3.
4. Mr. M. A. Kadu, learned advocate waives service of notice on behalf of respondent no.2.
5. This is an application for condonation of 2446 days delay caused in filing appeal against impugned judgment and award, dated 10.06.2013 passed by the Reference Court. The reasons have been stated in the application.
6. 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), delay can 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.

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 2446 days caused in filing appeal stands condoned.

9. 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 2446 days, in case the appeal is allowed.

10. The appeal be registered.

11. The application stands disposed of, accordingly.

FIRST APPEAL (ST.) No. 7820 of 2022

1. Heard.

2. **ADMIT.**

3. Mrs. Mrunal S. Naik, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 3.

4. Mr. M. A. Kadu, learned advocate waives service of notice on behalf of respondent no.2.

5. Learned advocate for respondent no.2 submits that the matter is covered by the earlier decision of this Court.

6. List this matter along with Misc. Civil Application No. 2680/2022 (*V.I.D.C. .vs. Dattaram Paul*), on **29.01.2024**. Parties to note that on this day, the Court may dispose of the matter finally.

(G. A. SANAP, J.)

Diwale